

The Gazette of India

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No. 46] NEW DELHI, SATURDAY, NOVEMBER 14, 1959/KARTIKA 23, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 5th November 1959 :—

Issue No.	No. and date	Issued by	Subject
156-A.	S.Os. 2430-A and 2430-B, dated 3rd November, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.
157	S.O. 2431, dated 4th November, 1959.	Election Commission, India	Calling upon the Dhanbad Parliamentary Constituency to elect a person to fill a vacancy in the House of the People.
	S.O. 2432, dated 4th November, 1959.	Ditto.	Appointing dates for the above by-election (S.O. 2431.)
	S.O. 2433, dated 4th November, 1959.	Ditto.	Fixation of hours for the above election (S.O. 2431.)
158	S.O. 2485, dated 5th November, 1959.	Ditto.	Direction that the method of voting by marking the ballot paper shall be followed at all the polling stations in the above by-election (S.O. 2431.)

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 10th November 1959

S.O. 2488.—In pursuance of clause (1) of article 239 of the Constitution, and in modification of the notification of the Government of India in the late Home Department No. F. 126/37-Pub. dated the 1st April, 1937, in so far as it relates to the

discharge of certain functions under the Indian Electricity Act, 1910, and the rules made thereunder, by the Chief Commissioner of Delhi, the President hereby directs that the said Chief Commissioner shall discharge, in the Union territory of Delhi, the functions of the State Government under the provisions of the Indian Electricity Act, 1910 (9 of 1910) and the rules made thereunder.

[No. F. 2/12/59-Judl. II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 4th November 1959

S.O. 2489.—In pursuance of the provisions of rule 46 of the Indian Electricity Rules, 1956, the Central Government hereby directs that with effect from the date of this notification low voltage installations connected to the system of suppliers of energy in the State of Pondicherry shall be periodically inspected and tested once in five years by the suppliers. The Central Government further directs, in exercise of powers conferred by sub-rule (2) of rule 7 read with sub-rule (2) (a) of rule 46 of the said Rules, that with effect from the aforesaid date, fees shall be levied for such inspection and test and generally for the services of the supplier in accordance with the following rules, namely:—

1. **Short title.**—These rules may be called the Pondicherry Low Voltage Electric Installations (Testing and Inspection Fees) Rules, 1959.

2. **Definitions.**—In these rules, unless the context otherwise requires—

- (a) "consumer" means any person whose installation is connected to the supply system of the supplier and shall include an occupier of the premises in which energy is received or used;
- (b) "supplier" means a licensee, non-licensee or any other supplier of energy including Government.

3. **Levy of fees.**—Fees for periodical inspection or tests carried out in accordance with the provisions of the rules made under the Indian Electricity Act, 1910, in respect of low voltage installations shall be levied as per the rates prescribed in the Schedule annexed to these rules:

Provided that in the case of a second or subsequent inspection or test made within a period of five years from the date of the first inspection or test

- (a) one-half of the fees prescribed in the said Schedule shall be levied if in the opinion of the supplier, the second or subsequent inspection or test is necessitated by the neglect or failure of the consumer to carry out any recommendations of the supplier within a stipulated time;
- (b) no fees shall be levied if the second or subsequent inspection or test is not so necessitated.

4. **Payment of fees and head of account.**—The fees are payable by the consumer under these rules and may be paid prior to or at the time of inspection, examination or test. The fees shall be "paid in cash under such head of account and in such office as may be specified by the supplier". The fees may also be paid by money orders or cheques. In every case reference to the fee notice served and to the policy number shall be produced. If for any reason, the fee is not paid in advance, such fee shall be paid within ten days from the date of such inspection or test.

SCHEDULE

For inspection or test made in pursuance of the Rules for low voltage electrical installation or apparatus in any premises other than factories within the meaning of the Factories Act, 1948, to which energy is supplied.

For installations with a connected load upto 2 kW	Rs. 2-50
Above 2 kW but not exceeding 5 kW	Rs. 4-00
Above 5 kW but not exceeding 10 kW	Rs. 5-00
Above 10 kW	Rs. 5-00 plus
	Rs. 2-00 for each 10 kW or part thereof in excess of 10 kW subject to a maximum total payment of Rs. 25-00.

[No. F. 36(11)Eur.W/59.]

A. DAS GUPTA, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 2nd November 1959

S.O. 2490.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 19

In Schedule I to the Rules, on page 8, under "G—Ministry of Food & Agriculture (Department of Food) insert the following:—

"4. Chief Director, Directorate of Sugar and Vanaspati, New Delhi."

(This amendment takes effect from 13th October 1959.)

[No. F. 12(67)-EII(A)/59.]

New Delhi-2, the 6th November 1959

S.O. 2491.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to order that the following amendment shall be made in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 20

Add the following para in column 4, against serial No. 18 of the Annexure to Schedule V:—

"(8) The Ministry of Works, Housing and Supply have full powers for hiring accommodation and restrictions in the above paras will not apply to them. They will also be competent to relax these restrictions when other Ministries hire accommodation."

[No. 12(140)-E. II(A)/59.]

R. R. SAVOOR, Dy. Secy.

(Department of Expenditure)

New Delhi, the 5th November 1959

S.O. 2492.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148. of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby directs that the following further amendments shall be made in the Fundamental Rules, namely:—

In Rules 26 of the said Rules,

(a) in clause (bb), for the first sentence, the following shall be substituted, namely:—

"The period of leave on average pay up to a maximum of four months taken at a time counts for increments in the time-scale applicable

to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave.”;

(b) after clause (e), the following clause shall be inserted, namely:—

“(f) Joining time counts for increment—

- (i) if it is under clause (a) or clause (d) of Rule 105, in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government servant during the period; and
- (ii) if it is under clause (b) or clause (c) of Rule 105 in the time-scale applicable to the post/posts on which the last day of leave before the commencement of the joining time counts for increment.”

[No. F. 2(49)-E.III/59.]

K. S. GANAPATI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 5th November 1959

S.O. 2493.—Statement of the Affairs of the Reserve Bank of India, as on the 30th October, 1959.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	10,68,91,000
Reserve Fund	80,00,00,000	Rupee Coin	4,72,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	8,78,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	55,00,63,000	(c) Government Treasury Bills	23,56,93,000
(2) Other Governments	30,26,18,000	Balances held abroad*	35,18,93,000
(b) Banks	73,44,21,000	Loans and Advances to Governments**	20,24,84,000
(c) Others	118,61,93,000	Other Loans and Advances†	92,47,47,000
Bills Payable	16,22,85,000	Investments	240,64,18,000
Other Liabilities	20,87,28,000	Other Assets	10,48,32,000
Rupees	433,43,08,000	Rupees	433,43,08,000

Dated the 4th day of November, 1959.

*Includes Cash and Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 1,70,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of October, 1959.

ISSUE DEPARTMENT

LIABILITIES		Rs.	Rs.	ASSETS		Rs.	Rs.
Notes held in the Banking Department		10,68,91,000		A. Gold Coin and Bullion:—			
				(a) Held in India		117,76,03,000	
Notes in circulation		1686,19,89,000		(b) Held outside India	
Total Notes issued			1696,88,80,000	Foreign Securities		163,00,89,000	
				TOTAL OF A			280,76,92,000
				B. Rupee Coin			134,47,27,000
				Government of India Rupee Securities			1281,64,61,000
				Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES			1696,88,80,000	TOTAL ASSETS			1696,88,80,000

Dated the 4th day of November, 1959.

H. V. R. IENGAR,
Governor.

[No. F. 3 (2)-BC./59.]
A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

ERRATA

In Ministry of Finance (Department of Economic Affairs) Report of the Central Board of Directors of the Reserve Bank of India, published in Gazette of India, Part II—Section 3(ii), dated 19th September, 1959 as S.O. 2037, the following corrections are to be made:—

- Page 2291, Para 3, 2nd line—
for "113:4" read "113.4"
- Page 2299, Para 34, 13th line—
for "48.68" read "48.66"
- Page 2304, Para 61, last line—
for "diections" read "directions"
- Page 2306, Para 75, 10th line—
for "lager" read "larger".

(Department of Revenue)

INCOME-TAX

New Delhi, the 4th November 1959

S.O. 2494.—In exercise of the powers conferred by sub-section (4) of section 46A of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government hereby makes the following further amendment in the Income-tax (Tax Clearance Certificates) Rules, 1953, namely:—

In the said rules, in Form C annexed thereto, for the words and figures "This certificate is valid for 3/12 months from the date of issue", the following shall be substituted, namely:—

"This certificate is valid for a journey or journeys to be commenced on or after.....and before.....".

[No. 115/F. No. 43(7)-IT/59.]

P. V. KURUVILA, Dy. Secy.

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 10th November 1959

S.O. 2495.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the lease deed, dated the 7th October, 1959, executed by the High Commissioner for the United Kingdom in India in respect of the ground floor flat of 19/39, Kautilya Marg, Diplomatic Enclave, New Delhi, is chargeable under the said Act.

[No. 20/F. No. 1/64/59-Stamps-Cus. VII.]

P. T. SIPAHIMALANI, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 27th October 1959

S.O. 2496.—In exercise of the powers conferred by sub-section (6) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue

hereby makes the following further amendments in the Schedule appended to its notification S.R.O. 1214 No. 44-Income-tax, dated the 1st July 1952, namely:—

In Column 2 of the said Schedule against item 52, for the words "the Accountant General, Food, Industries and Supply, New Delhi, the Deputy Accountant General, Food, Delhi, the Deputy Accountant General, Industries and Supply, New Delhi", the following words shall be substituted, namely:—

"the Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines, New Delhi, the Deputy Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines, Calcutta, the Deputy Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines, Bombay."

[No. 112 (F. No. 55/6/59-IT).]

S.O. 2497.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660 No. 35-Income-tax, dated the 22nd April 1958, namely:—

In the Schedule appended to the said notification under sub-head "XIV-Uttar Pradesh" against

(a) *Meerut*: The existing entry "4. Muzaffarnagar" shall be deleted and the subsequent entries shall be renumbered as "4 and 5";

(b) *Dehradun*: After the existing entry "2. Saharanpur" the following entry shall be added, namely:—

"3. Muzaffarnagar".

(c) *Varanasi*: The existing entries "3. Azamgarh and 4. Mirzapur" shall be deleted.

(d) *Allahabad*: The existing entry "3. Gonda" shall be deleted and the subsequent entry shall be renumbered as "3".

(e) *Lucknow*: After the existing entry "5. Faizabad" the following entry shall be added, namely:—

"6. Azamgarh".

(f) *Kanpur I*: After the existing entry "5. Sitapur" the following entry shall be added, namely:—

"6. Mirzapur".

(g) *Kanpur II*: After the existing entry "4. Mathura" the following entry shall be added, namely:—

"5. Gonda".

This notification will take effect from Sixteenth day of November 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the reorganisation of the Appellate Ranges.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 113 (F. No. 50/31/59-IT).]

New Delhi, the 6th November 1959

S.O. 2498.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri W. K. Gharpurey, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Andhra Pradesh.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Gharpurey shall be designated as the Commissioner of Income-tax, Andhra Pradesh with headquarters at Hyderabad.

This notification shall take effect on and from the 1st November 1959 (fore-noon).

Explanatory Note

NOTE.—The amendments have become necessary due to change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 116(F. No. 55/27/59-IT.)

D. V. JUNNARKAR, Under Secy.

THE MYSORE CENTRAL EXCISE COLLECTORATE

CORRIGENDUM TO NOTIFICATION No. 10/58 DATED 15-5-1958

Bangalore, the 26th October 1959

S.O. 2499.—In the schedule to notification No. 10/58 of 15-5-1958 published under S.O. No. 1334 on pages 1167-1171 of Part II Section 3(ii) of the Gazette of India dated 12-7-1958 and corrigendum dated 24-10-1958 published on pages 2202-2203 of Part II Section 3(i) of the Gazette of India dated 15th November, 1958, the following should be substituted in column 2, 3 and 4 against Chitaldrug District.

District	Area de-limited	Exceptions	Officers to whom declarations are to be rendered in case the prescribed limits are exceeded
1	2	3	4
Chitaldrug	2. Davanagere Taluk including Doddabatta, Muddebade, Davanagere and Shamanur villages of Davanagere Hobli.	Davanagere Hobli except the villages shown under column 2.	Range Officer Central Excise Davanagere.
	3. Jagalur Taluk including Seetharsnahalli and Siddn-kate villages of Sokki Hobli.	Sokki Hobli except the villages shown under column 2.	
	5. Chitaldrug Taluk including Chikkodanahalli, Bangarakana-halli, Thuruvanur, Kundur and Avalana halli villages of Thuruvanur Hobli.	Thuruvanur Hobli except the villages mentioned under Col 2.	

[No. V/a/24/239/58 B. 1.]

A. R. SHANMUGAM, Collector.

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE,
GOA FRONTIER DIVISION**

NOTICES

Belgaum, the 29th October 1959

S.O. 2500—Whereas it appears that the marginally noted goods which were seized by the Inspector of Central Excise, F.S. Ankola at a open space under-
neath the banana trees at Motan-Kurve Village on 19-9-1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7-12-55 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

Betelnuts	B. Mds. Srs.
in 18 bags	17 16

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the 18 gunny bags, under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action posed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-505/59.]

S.O. 2501—WHEREAS it appears that the marginally noted goods which were seized by the

	B. Mds. Srs.
Betelnuts in	
20 bags	19 30

Inspector of Central Excise F. S. Ankola at a place known as "Juga" in the village "Motan-Kurve" in the vicinity of the Indo-Goa border on 16-9-1959 were imported by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the 20 gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-506/59]

Belgaum, the 4th November, 1959

S.O. 2502—Where it appears that the marginally noted goods which were seized by the P. S. I., Khanapur on Hemadga, Khanapur Road in the vicinity of the Indo-Goa border on 19-9-1959 were imported by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7-12-1955 issued under section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 1 noted in the margin

(i) Cloves weighing
129 Lbs.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, and Land Customs Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-514/59.]

E. R. SRIKANTIA,
Asstt. Collector.

MINISTRY OF COMMERCE AND INDUSTRY

TEA CONTROL

New Delhi, the 4th November 1959

S.O. 2503.—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953), read with sub-rule (1) of rule 5 of the Tea Rules, 1954, the Central Government hereby appoints Shri Danish Lakra as a member of the Tea Board until the 31st March, 1960, vice Shri Sasadar Kar and makes the following further amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 944 dated the 17th March, 1954, namely:—

In the said notification, in the category of members representing persons employed on tea estates and gardens, for the entry 24A, the following entry shall be substituted, namely:—

"24A. Shri Danish Lakra, Alipurduar, Jalpaiguri".

[No. 7(1)PLANT(A)/57.]

P. V. RAMASWAMY, Under Secy.

New Delhi, the 10th November 1959

S.O. 2504.—In exercise of the powers conferred by sub-section (2) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the following Articles 68 and 83 relating to right to vote by members and classification of members into different panels made by the Vijai Beopar Chamber Limited, Muzaffarnagar, under sub-section (1) of the said section and approved by the Central Government are hereby published, namely:—

Right to Vote

"Article 68:—No shareholder other than a Trading Member, or his or its authorised representative, shall be entitled to vote in respect of any matter placed before the Company at any general meeting in which by reason of their functional interests only the Trading Members are actually interested. Every shareholder shall have one vote whether on a show of hands or at a poll irrespective of the shares held by him except the Chairman who shall have, in addition, a casting vote".

Panels

"Article 83:—(i) All the members of the Company shall be classified into panels of members approved by the Board with the previous approval of the Commission.

(ii) With the prior approval of the Commission, the Board may fix the qualifications of the members for entry into the various panels and in like manner alter and review such qualifications from time to time.

(iii) The Board, with the prior approval of the Commission, shall, within three months from the date of recognition to the Company, finalise the number of panels into which the members of the Company shall be classified and fix the number of directors to be elected by each of the panels on the Board.

(iv) All existing members of the Company shall be included in one or the other of the panels mentioned above according to predominant interests of each of them.

(v) A member in the first instance may declare the panel to which he desires to belong, but the particular panel in which he will be included shall be declared as hereinafter provided.

(vi) The Board shall at all times have power to consider the question of altering the panel of a member either at the request of a member in respect of his allocation or at its own initiative on the basis of such information as it might have in its possession including such representations or objections as it might receive from a member in respect of another member regarding the latter's inclusion in a particular panel.

(vii) The Board shall at all times have power to obtain such information including representations or objections from a member in respect of another member regarding the latter's inclusion in a particular panel, as may be deemed proper and reasonable in order to determine the predominant interests of members.

(viii) The Board shall hear the member whose panel they propose to alter and take into consideration the representation made by such member.

(ix) No change in panel of any member shall take effect until after the elections are held, if such change has taken place during forty-five days preceding the day fixed for election of the directors.

(x) In respect of allocation of a panel to a member, if there be agreement between the member concerned, and the Board, as to the panel in which he should be included, the member shall be included in such panel provided that if there be a difference of opinion between the member concerned and the Board, regarding the panel in which he is to be included, he shall be included in the panel as may be decided by the Board in consultation with and with the approval of the Commission. The decision arrived at, in the manner provided herein, shall be binding on all members.

(xi) The provisions hereinbefore contained, regarding allocation of panel, shall also apply to a member who may hereafter apply to become a member of the Company.

(xii) No member shall be included in more than one panel.

(xiii) The number of members in any panel is not restricted and the different panels may vary as to total number.

(xiv) Where a member ceases to carry on or alters the business entitling him to belong to any particular panel, he shall intimate to the Board of such change and the Board shall consider such intimation.

(xv) Notwithstanding anything contained in the above clauses, the Commission may, if in its opinion the interest of the trade so requires, direct the Board to review the classification of the members into various panels, and may also direct, if considered expedient to include a member in any particular panel and the Board, shall thereupon, take suitable steps to comply with the same.

(xvi) No member or authorised representative shall stand for elections from more than one panel."

[No. 33(11)-TMP/FMC/59.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 9th November 1959

S.O. 2505/IDRA/6/15.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri M. K. Unni Nayar to be a member of the Development Council for the scheduled industries engaged in the manufacture or production of alcohol and other products of fermentation industries vice late Mr. R. A. Williams, and makes the following amendment in the Order of the Government of India in

the Ministry of Commerce and Industry Order No. S.R.O. 1904, dated the 16th September, 1958, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries" for entry No. 3 relating to Mr. R. A. Williams, the following entry shall be substituted, namely:—

"3. Shri M. K. Unni Nayar, Carew & Company Ltd., 4, Fairlie Place, Calcutta."

[No. 4(20)IA(II)(G)/59.]

A. K. CHAKRAVARTI, Under Secy.

ORDER

New Delhi, the 9th November 1959

S.O. 2506/IDRA/6/11.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 4 & 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industry engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn in place of members whose term of office has expired by efflux of time or otherwise:—

Sl. No.	Name and address of member	Interest represented	Chairman/Member
1	Shri A. R. Ramanathan, Chairman, The Travancore Rayons Ltd., Rayonpuram P.O., Kerala State.	"owners"	Chairman.
2	Shri Babubhai M. Chinai, C/o The Baroda Rayon Corporation Ltd., Lalji Naranji Memorial Building, 76, Veer Nariman Road, Churchgate, Bombay-1	"Do."	Member
3	Shri D. N. Shroff, Fort House, D. N. Shroff Road, Bombay-1.	"Do."	Do.
4	Shri Murarji J. Vaidya, Jadavji Mansions, Cuffe Parade, 4 Bombay-5.	"Do."	Do.
5	Shri Diwan C. Mehra, The Textile Manufacturers' Association, Post Box No. 79, 4, Queens' Road, Amritsar.	"Do."	Do.
6	Shri Jayantilal G. Vakharia, Standard Silk Mills, Lal Darwaja, Vadval Devdi Road, Surat.	"Do."	Do.
7	Dr. M. D. Parekh, General Manager (Technical), The National Rayon Corporation Ltd., Ewart House, Bruce Street, Fort, Bombay-1.	"technical knowledge"	Do.

Sl. No.	Name and address of member	Interest represented	Chairman Member
8	Shri Shantilal M. Mehta, Paragon Textile Mills, Globe Mills Passage, Bombay-13.	"technical knowledge"	Member
9	Shri G. R. Podar, Podar Chambers, Parsi Bazar Street, Fort, Bombay.	"Do."	Do.
10	Shri R. A. Podar, Podar Chambers, Fort, Bombay.	"Do."	Do.
11	Shri Govardhandas Jadhavji Ruparel, Canada Building, 2nd Floor, Home Street, Fort, Bombay-1.	"consumers"	Do.
12	Dr. A. N. Kapur, Development Officer, Development Wing, Udyog Bhavan, New Delhi.	"technical knowledge"	Do.
13	Shri I. B. Durr, Director (Production & Development), Office of the Textile Commissioner, Wittet Road, Ballard Estate, Bombay.	"Do."	Do.
14	Shri M. Gopala Rao, Deputy Technical Director, National Productivity Council, Golf Links, New Delhi.	"Do."	Do.

[No. 4(49)IA(II)(G)/59.]

K. C. MADAPPA, Dy. Secy.

(Indian Standards Institution)

New Delhi, the 2nd November 1959

S.O. 2507.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the period 16th to 31st October, 1959.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 499—1958 Methods of Test for Vacuum Pan Sugar (Plantation White).	..	This standard prescribes the methods of determination of moisture, pol, sucrose, reducing sugars, hydrogen ion concentration, sulphated ash and certain deleterious impurities namely sulphur, lead, copper, arsenic, iron and zinc in vacuum pan sugar (plantation white) (Price 4-00).

1	2	3	4
2	IS : 988—1959 General Requirements for Optical Components.	..	This standard prescribes the general technical requirements and the methods of test for the following types of finished basic optical components used in optical instruments or optical systems : (a) Lenses (b) Prisms (c) Mirrors (d) Graticules or diaphragms (e) Plates, parallel and prismatic (f) Optical filters (Price Rs. 3.00)
3	IS : 1162—1948 Specification for Cane Molasses.	.	This standard prescribes the requirements and the methods of test for cane molasses obtained in the manufacture of direct-consumption white sugar by the vacuum pan process and meant primarily for use in the alcohol industry (Price Rs. 2.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) General Assurance Building, 232 Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(4)]

S.O. 2568 In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No. and title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)
1	IS : 1138—1958 Sizes of Metal strip, Sheet Bars (Round and Square), Flats and Plate (For Structure and general Engineering Purposes).	S.O. 1438 dated 27th June 1959
		At page 3 in Table 1, Col 2, under 'Ra 20 Series' please read '360' for '355'.

Copies of this errata slip are available, free of cost, with the Indian Standards Institution "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) General Assurance Building, 232 Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(10)]

New Delhi, the 3rd November, 1959

S.O. 2509—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 261—1950 Specification for Copper Sulphate, Technical-	S.R.O. 658, dated 26th March 1955.	No. 2 November 1959	(i) In clause 1.1, line 6, the words, 'agricultural insecticidal' have been replaced by the word 'fungicidal' (ii) The existing clauses 4.1 and 4.2 in Appendix B have been deleted and substituted by new clauses.	15th November 1959
2	IS : 384—1954 Specification for Brushes, Paints and Vernishes, Flat	S.R.O. 855 dated 23rd April 1955	No 1 October 1959	(i) The following has been added as the last item in clause 0.7 : 'IS : 563—1955 Specification for DDT, Technical'. (ii) Sub-clause 7.1.1 has been amended. (iii) Sub-clauses 7.1.2 and 7.5.2 have been substituted by new sub-clauses. (iv) Table I has been amended. (v) Some changes have been made in item B-1 of Appendix B.	15th November 1959
3	IS : 557—1954 Specification for Sodium Acetate, Technical and Photographic	S.R.O. 682, dated 2 April 1955	No 1 October 1959	Maximum limit for chloride ions has been specified for photographic grade and test method for chloride (as NaCl) has been added.	15th November 1959
4	IS : 692—1957 Specification for Paper Insulated Lead-Sheathed Cables for Electricity Supply	S.O. 1949 dated 27th September 1958	No. 13 November 1959	(i) In Sub-clause 8.6.2, line 8, the following portion has been deleted 'nor shall they drip of 150°F (or 65.6°C)'.	15th November 1959.

(1)	(2)	(3)	(4)	(5)	(6)
				<p>(ii) Clause 8.8 and sub-clauses 8.8.1 and 8.8.2 have been added after clause 8.7.</p> <p>(iii) At page 18 in Table XVII test voltages for 3.3 and 6.6 kV cables have been added.</p> <p>(iv) The title of clause 12.2 has been changed to read as '<i>Drainage Test for Cables Installed Vertically</i>'</p>	
5	IS : 694—1955 Specification for PVC Cables and Cords for Electric Power and Lighting for Working Voltages Up To and Including 650 Volts to Earth (<i>Tentative</i>)	S. O. 1597, dated 14th July 1956	No. 1—November 1959	The existing clause 5.1 and sub-clause 5.1.1 have been deleted and substituted by new ones.	15th November 1959
6	IS : 1109—1957 Specification for Borax Technical.	S. O. 759, dated 10th May 1959	No. 1—November 1959	<p>The following has been added after clause B—2.2 :</p> <p>'After the completion of the titration, add another 5 ml. of glycerine. If the colour of phenolphthalein disappears, continue the titration till the pink colour just reappears. Continue the process of addition of further quantities of glycerine and subsequent titration till the pink colour persists on addition of further quantities of glycerine. This should be taken as the end point.'</p>	15th November 1959

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) General Assurance Building, 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1, and (iii) 2/21, First Line Beach, Madras-1.

[No. MDC/11(9)]

C. N. MODAWAL,
Deputy Director (Marks)

MINISTRY OF STEEL MINES AND FUEL**(Department of Iron and Steel)***New Delhi, the 4th November 1959*

S.O. 2510/ESS.COMM/Iron and Steel—4, 5 & 7.—The following notification issued by the Iron and Steel Controller under clauses 4, 5 and 7 of the Iron and Steel Control Order, 1956, is hereby published for general information:—

"NOTIFICATION

In exercise of the powers conferred on me under clauses 4, 5 and 7 of the Iron and Steel (Control) Order, 1956, I, A. S. Bam, I.C.S., Iron and Steel Controller, hereby authorise any consumer of pig iron to acquire pig iron from any Producer or Stockholder subject to the condition that the pig iron thus acquired shall not be disposed of or exported from any place to which the Iron and Steel (Control) Order, 1956, extends, except with prior permission of the Iron and Steel Controller.

2. The Stockholders including Controlled Stockholders are also authorised to dispose of pig iron to any actual consumer but the Producers shall not dispose of any pig iron except in accordance with the conditions contained or incorporated in a special or general written order of the Controller.

3. Notification No. S.O. 764 published in the Gazette of India, Part II, Section 3(ii) dated the 11th April, 1959, is hereby cancelled.

A. S. BAM,
Iron and Steel Controller."

[No. SC(A)-19(3)/59.]

New Delhi, the 10th November, 1959

S.O. 2511/Ess. Comm/Iron and Steel—2 (c)/Am (54).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely :—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'OTHERS' the following shall be added, namely :—

2

3

- | | |
|---|--|
| <p>41. Chief Industrial Adviser, Development Wing
Ministry of Commerce & Industry.
NEW DELHI.</p> | <p>16—Only in respect of the following categories :—
(1) Steel Castings;
(2) Dog-Spikes, Chair Spikes & Screw Spikes;
(3) Bolts (including Fish Bolts), Nuts & Rivets;
(4) Barbed Wire (Black or Galvanised);
(5) Wire Nails;
(6) Wrought Iron Pressure Pipes & Tubes, Steel Pressure Pipes & Tubes;
(7) Wrought Iron Fittings, Malleable Iron Fittings, and Steel Fittings Coated or Un-Coated, excluding Electrical Conduit Pipes;
(8) Cast Iron Pipes & Specials; and
(9) Wire Ropes.</p> |
|---|--|

[No. SC(A)-1(20)/59.]

J. S. BAIJAL, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 30th October 1959

S.O. 2512.—The following draft of certain amendments to the Wool Grading and Marking Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section for information of all persons likely to be affected thereby and notice is hereby given that the draft amendments will be taken into consideration on or after 30th November, 1959.

Any objection or suggestion which may be received from any person in respect of the said draft, before the date so specified will be considered by the Central Government.

Draft Amendments

In the said rules,—

(1) in rule 1, (i) in paragraph (b), for the words and figures, "Schedules I to V-A," the following shall be substituted, namely:—

"Schedules I to VII,"

(ii) the following paragraph shall be added after paragraph (b), namely:—

"(c) They shall not apply to Tibet wool consigned direct to Calcutta for onward shipment.";

(2) in rule 2, for the words, "Indian hill wool—greasy are respectively set out in Schedules I to V-A", the following shall be substituted, namely:—

"Indian hill (Pahari) Clipped greasy and Indian Hill (Pahari) Pulled greasy are respectively set out in Schedules I to VII";

(3) in rule 3, for the words and figures, "Schedules I to V-A", the following shall be substituted, namely:—

"Schedules I to VII";

(4) in rule 4, for the word and figure "Schedule VI", the word and figure "Schedule VIII" shall be substituted;

(5) in rule 5, for the items (1) to (6), the following items shall be substituted, namely:—

- (1) Serial Number.
- (2) Place and date of packing.
- (3) Signature of the Inspecting Officer.
- (4) Grade.
- (5) Colour.
- (6) Clean Wool Content %.
- (7) Place and date of marking.
- (8) Signature of the Marking Officer.;

(6) in rule 7, for the word and figure "Schedule VI", the word and figure "Schedule VIII" shall be substituted;

(7) in Schedule I, for the words "Yield per cent of wool" appearing in the heading of column 3, the words "Minimum clean wool content" shall be substituted;

(8) in Schedule II, for the words "Yield per cent of jinned wool" appearing in the heading of column 3, the words "Minimum clean wool content" shall be substituted;

(9) in Schedules III and IV, for the words "Yield per cent of wool" appearing in the heading of column 3, the words "Minimum clean wool content" shall be substituted;

(10) in Schedules I to IV, for the existing entries in column 3—

- (i) against items "White" and "Tinged white", in column 2, the figures "75 per cent" shall be substituted;

- (ii) against items "Pale yellow" and "Yellow", in column 2, the figure "72½ per cent" shall be substituted;
- (iii) against item "Coloured wool", in column 2, the figure "65 per cent" shall be substituted;

(11) in Schedules I to IV, the following foot-notes shall be inserted, namely:—

"Note:—

1. The following vegetable matter tolerances shall be allowed:—

- (a) In White and Yellow wool 3 per cent.
(b) In Coloured Wool 4 per cent.

2. If the vegetable matter contents are over 3 per cent and upto 5 per cent in White and Yellow wool, and are over 4 per cent and upto 6 per cent in Coloured wool, the same shall be indicated in the Certificate of Agmark Grading."

(12) for the existing Schedules V and VA, the following Schedules shall be substituted, namely:—

SCHEDULE V

Grade, designation and definition of quality of Indian Mixed Wool

Grade designation	Colour of fibre	Special characteristics		General characteristics
		Minimum	Clean Wool Content	
1	2	3	4	
*M.C.G.W.	White	75 %	}	All Grades shall be free from wool waste, processed wool waste or any other animal fibre and also from burrs, thorns, sticks and other extraneous matter except a few un-avoidables.
*M.C.G.TW.	Tinged White			
*M.C.G.PY.	Pale Yellow	72½ %	}	Do.
*M.C.G.Y.	Yellow			
*M.C.G.C.	Coloured	65 %		Do.
†M.C.PLD.W.	White	75 %	}	Do.
†M.C.PLD.TW.	Tinged White			
†M.C.PLD.PY.	Pale Yellow	72½ %	}	Do.
†M.C.PLD.Y.	Yellow			
†M.C.PLD.C.	Coloured	65 %		Do.
‡M.C.W.	White	75 %	}	Do.
‡M.C.TW.	Tinged Wool			
‡M.C.PY.	Pale Yellow	72½ %	}	Do.
‡M.C.Y.	Yellow			
‡M.C.C.	Coloured	65 %		Do.

* Mixed (Clipped Ginned) shall not contain ginned wool exceeding 10 per cent.

† Mixed (Clipped Pulled) shall not contain pulled wool exceeding 20 per cent.

‡ Mixed (Clipped Mixed). All mixed wool not containing Ginned and Pulled wool and not covered by the above two grade designations but with a minimum clipped wool content of 75 per cent.

Note:—

1. All fibres upto $\frac{1}{2}$ " in length shall be taken as ginned wool.
2. All fibres exceeding $\frac{1}{2}$ " in length but not exceeding $1\frac{1}{2}$ " shall be treated as carded wool.
3. The following vegetable matter tolerances shall be allowed:—
 - (a) In White and Yellow Wool 3 per cent.
 - (b) In Coloured Wool 4 per cent.
4. If the vegetable matter contents are over 3 per cent and up to 5 per cent in White and yellow wool, and are over 4 per cent and up to 6 per cent in coloured wool, the same shall be indicated in the Certificate of Agmark Grading.
5. Shall not contain any admixture of limed wool.

SCHEDULE VI

Grade designation and definition of quality of INDIAN HILL CLIPPED WOOL (GREASY).

Grade designation	Colour of fibre	Special characteristic	General Characteristics
		Minimum Clean Wool Content.	
1	2	3	4
HL—W.	White	60%	(1) Wool of all grades shall be free from ginned wool, pulled wool, limed wool, wool waste, processed wool waste or any other animal fibre and also from burrs, thorns, sticks and other extraneous matter except a few unavoidable. Grade HL—W & HL—TW, shall also be free from mixture with wool produced in plains.
HL—TW	Tinged		
HL—C	White	55%	

Notes:—

1. The following vegetable matter tolerances shall be allowed:—
 - (a) In White and Yellow Wool 3 per cent.
 - (b) In Coloured Wool 4 per cent.
2. If the vegetable matter contents are over 3 per cent and up to 5 per cent in White and Yellow Wool, and are over 4 per cent and up to 6 per cent in coloured wool, the same shall be indicated in the Certificate of Agmark Grading.

SCHEDULE VII

Grade designation and definition of quality of INDIAN HILL PULLED WOOL GREASY

Grade designation	Colour of fibre	Special characteristics Minimum Clean Wool Content	General characteristics
1	2	3	4
PLD.HL.W	White	60%	(1) All grades shall be free from ginned wool, limed wool, wool waste, processed wool waste or any other animal fibre & also from burrs, thorns
PLD.HL.TW	Tinged		
	White		
PLD.HL.C	Coloured	55%	

1

2

3

4

sticks and other extraneous matter except a few unavoidable. Grades PLD.HL.W and PLD.HL.TW shall also be free from mixture with wool produced in plains.

(2) No wool having yield percentage less than what has been prescribed under column 3 will be allowed to be exported.

Note:—

1. The following vegetable matter tolerances shall be allowed:—

- | | |
|------------------------------|-------------|
| (a) In white and yellow wool | 3 per cent. |
| (b) In coloured wool | 4 per cent. |

2. If the vegetable matter contents are over 3 per cent and up to 5 per cent in white and yellow wool, and are over 4 per cent and up to 6 per cent in coloured wool, the same shall be indicated in the Certificate of Agmark Grading.

(13) The existing Schedule VI shall be renumbered as Schedule VIII.

[No. F. 17-42/59-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 2nd November 1959

S.O. 2513.—The following draft of a further amendment to the Indian Oilseeds Committee Rules, 1947, which it is proposed to make in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 5th December, 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the proviso to sub-rule (1) of rule 25 of the said Rules, the following words and figures shall be inserted at the end; namely:—

“except on an expenditure not exceeding Rs. 5,000 on minor schemes which were not anticipated at the time of framing annual Budget Estimates of the Committee, subject to the condition that the schemes are connected with the approved objects and the pattern of assistance is the same, as approved by the Central Government for similar schemes and the expenditure in question is met by diverting savings from within the sanctioned budget of the Committee.”

[No. 7-59/58-Com.II.]

J. VEERA RAGHAVAN, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 28th October 1959

S.O. 2514.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of Officers	Categories of public premises and local limits of jurisdiction
1	2
1. Superintending Engineer, Second Circle, Central Public Works Department, New Delhi.	Premises in Delhi and New Delhi intended for allotment to the work charged staff of the Central Public Works Department.
2. Commissioner of Income Tax, Bombay City II, Bombay.	Premises under the administrative control of the Income Tax Department comprising : (a) 16 flats in Darbhanga House at 7 & 9 Poddar Road, Bombay ; (b) 56 Income Tax Officers' flats (28 type III and 28 type IV) at Poddar Road, Bombay; and (c) <i>Aayakar Bhavan</i> , Bombay.
3. Deputy Medical Superintendent, Safdar-jang Hospital, New Delhi.	Premises of Safdarjang Hospital, New Delhi under his administrative control.
4. Deputy Medical Superintendent Willingdon Hospital, New Delhi.	Premises of Willingdon Hospital, New Delhi under his administrative control.
5. Administrative Officer, All India Institute of Medical Sciences, New Delhi.	Premises of the All India Institute of Medical Sciences, New Delhi under his administrative control.

[No. 14/2/59-Acc.]

New Delhi, the 3rd November 1959

S.O. 2515.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, (32 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 1104 dated the 7th May, 1959, namely:—

In the table below the said notification the entry against Serial No. 37 shall be deleted and Serial Nos. (38) and (39) shall be renumbered as Nos. (37) and (38).

[No. 14/2/59-Acc.]

S.O. 2516.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 307 dated the 28th January, 1959, namely:—

In the table below the said notification for the entry in column 1 against Serial No. 4, the following shall be substituted, namely:—

"Director of Estates and Deputy Directors of Estates, Government of India, New Delhi."

[No. 14/2/59-Acc.]

R. C. MEHRA, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 30th October 1959

S. O. 2517—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the Union territory of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons ;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below:—

THE SCHEDULE

Sl. No.	Particulars of evacuee property	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
1	9	Village Tihar	Bhurey & Bunde Khan	Sons of Shahbaz
2	21	Village Tihar	Amir and Nasroo.	Sons of Fazal
3	22	Village Tihar	Amir and Nasroo.	Sons of Fazal
4	23	Village Tihar	Nur Mohd. Agha and Suleman	Sons of Badaruddin
5	24	Village Tihar	Nur Mohd. Agha and Suleman	Sons of Badaruddin
6	26	Village Tihar	Nur Mohd. Khan.	Son of Parosta
7	37	Village Tihar	Adal	Son of Rahim Shah
8	40	Village Tihar	Karmoo	Son of Kalu
9	41	Village Tihar	Dula	Son of Mahboob
10	42	Village Tihar	Latif	Son of Sharfoo
11	43	Village Tihar	Latif	Son of Sharfoo
12	46	Village Tihar	Mehar Din	Son of Karam Khan
13	48	Village Tihar	Agha-ud-din, Nur Mohd.	Sons of Badaruddin
14	49	Village Tihar	Karam Khan.	Sons of Shahbaz
15	50	Village Tihar	Agha-ud-din, Nur Mohd.	Sons of Badaruddin
16	51	Village Tihar	Zamurdi	Son of Dilawar
17	52	Village Tihar	Agha-ud-din, Nur Mohd.	Sons of Badaruddin
18	63	Village Tihar	Ziad-ud-din	Son of Mohd. Hussain
19	64	Village Tihar	Nasrat	Son of Kale.
20	65	Village Tihar	Allahdiaya	Son of Kale
21	66	Village Tihar	Inayat Ali	Son of Hidayat Ali
22	67	Village Tihar	Ibrahim	Son of Bhure Khan.
23	73	Village Tihar	Munshi and Nanch Khan	Sons of Bahadur
24	74	Village Tihar	Fateh Khan	Son of Saghat
25	77	Village Tihar	Munir and Asmail	Sons of Nanwa
26	81	Village Tihar	Munshi and Nanch	Sons of Bahadur
27	89	Village Tihar	Molar.	Son of Mulla
28	90	Village Tihar	Molar.	Son of Juma Daud. Ahas Mulla
29	H. No. Plot No. 92	Village Tihar	Munshi and Nanch.	Sons of Bahadur
30	94	Village Tihar	Munshi and Nanch	Sons of Bahadur
31	Shop No. 95	Village Tihar	Munshi and Nanch	Sons of Bahadur.
32	97	Village Tihar	Nasib Khan.	Son of Mohd. Hussain.
33	98	Village Tihar	Sela.	Son of Samand Khan
34	99	Village Tihar	Shukar Allah.	Son of Samand Khan
35	100	Village Tihar	Mula, Rashid, Munir and Zaula.	Sons of Mehboob.
36	102	Village Tihar	Jela, Shumerand, Munir.	Sons of Mehboob.
37	103-104	Village Tihar	Mula Munir, Rashid and Zaula.	Sons of Mehboob.

Sl. No.	Particulars of property	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
38	105	Village Tihar	Sardar Khan Bundu.	Sons of Khuwani Namberdar.
39	106	Village Tihar	Murad, Malhan, Shera.	Sons of Khuwani.
40	107	Village Tihar	Sardar Malhan, Kamar-u-din.	Sons of Khulu alias Khuwani.
41	109	Village Tihar	Sardar Kamaruddin.	Sons of Khulu alias Khuwani.
42	122	Village Tihar	Chaman.	Son of Kalandar Faqir.
43	127	Village Tihar	Rasoola.	
44	130	Village Tihar	Sharufu Nambardar.	
45	131	Village Tihar	Sharfu Nambardar.	
46	134	Village Tihar	Baqqa.	Son of Naneh Khan.
47	137	Village Tihar	Shera.	
48	141	Village Tihar	Batti.	Son of Villayat-
49	144	Village Tihar	Sulhar and Dina	Son of Hafiz
50	145	Village Tihar	Sudhia, Majid	
51	146	Village Tihar	Sudhia	Son of Aman Bux.
52	149	Village Tihar	Abudul Aziz Namberdar	Son of Abdullah
53	157	Village Tihar	Samlat Muslim	
54	159	Village Tihar	Samlat Muslim	
55	161	Village Tihar	Zamurdi	Son of Dilawar
56	164	Village Tihar	Bhure	Son of Siraj
57	169	Village Tihar	Hussain and Fazaluddin	Sons of Nuru
58	174	Village Tihar	Bundu and Murad	Sons of Hakim.
59	183	Village Tihar	Raza	Son of Ghafar
60	188	Village Tihar	Abdul Majid	Son of Bunda Khar.
61	191	Village Tihar	Rahimuuddin	
62	192	Village Tihar	Bundu Din	Son of Mula
63	193	Village Tihar	Qamar Basti	Son of Khwaja Bux.
64	195	Village Tihar	Rasula	Son of Mivasi
65	197	Village Tihar	Shamshira	Son of Sardar Khan.
66	196	Village Tihar	Shamshira	Son of Sajjad
67	198	Village Tihar	Shchraai	Son of Mardan.
68	204	Village Tihar	Bundu	Son of Maula.
69	205	Village Tihar	Bundu	Son of Mula.
70	220	Village Tihar	Hakim.	Son of Bundu
71	222	Village Tihar	Ballu	Son of Shamsher
72	231	Village Tihar	Bundu.	Son of Andha.
73	233	Village Tihar	Sharfu	Son of Sapedar
74	233	Village Tihar	Bundu.	Son of Allaha Dad.
75	234	Village Tihar	Ramzan	Son of Chhaju.
76	238	Village Tihar	Ghisa	Son of Abdull
77	240	Village Tihar	Umar Bux	Son of Amir Bux
78	241	Village Tihar	Khuda Bux	Son of Amir.
79	243	Village Tihar	Nasroo	
80	257	Village Tihar	Munir, Zaina and Nabra	
81	268	Village Tihar	Nur Khan alias Nur Mohd Khan	Son of Harosta
82	271	Village Tihar	Nasib	
83	285	Village Tihar	Munir	Son of Faizullah
84	286	Village Tihar	Munir	Son of Mehboob
85	287	Village Tihar	Munir	Son of Fauzullah
86	288	Village Tihar	Munir	Son of Mehboob
87	289	Village Tihar	Munir	Son of Fauz-ullah
88	290	Village Tihar	Munir	Son of Fauz-ullah
89	291	Village Tihar	Munir	Son of Fauz-ullah
90	295	Village Tihar	Munir	Son of Fauz-ullah.
91	296	Village Tihar	Nur Khan	Son of Kale
92	302	Village Tihar	Azizuddin	Son of Ghisa Khan
93	303	Village Tihar	Azizuddin	Son of Ghisa Khan
94	304	Village Tihar	Rahim Saqqa]	Son of Moola
95	305	Village Tihar	Lal	Son of Rahim
96	306	Village Tihar	Ramzani, Abdul Shamsher and Mehardin	

Sl. No.	Particulars of evacuee property	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
97	308	Village Tihar	Nuru.	Son of Ashraf.
98	323	Village Tihar	Azizuddin.	Son of Ghisa Khan.
99	327	Village Tihar	Baqqa Muslim.	
100	329	Village Tihar	Munshi & Nanee.	Sons of Bahadur.
101	330	Village Tihar	Sharfu.	Son of Sapedar .
102	331	Village Tihar	Sharfu.	
103	332	Village Tihar	Sharfu Numberdar.	Son of Supedar.
104	338	Village Tihar	Faraz Hussain.	Son of Qutbi.
105	339	Village Tihar	Mauvi, Muni. Maman.	Sons of Madari.
106	341	Village Tihar	Taj-uddin.	
107	342	Village Tihar	Taj-Uddin.	
108	345	Village Tihar	Juma.	Son of Piru.
109	347	Village Tihar	Chandu.	
110	348	Village Tihar	Chandu.	
111	350	Village Tihar	Sardar.	Son of Khawani.
112	351	Village Tihar	Nura.	Son of Maqsud.
113	352	Village Tihar	Hafizullah.	
114	355	Village Tihar	Nazroo.	Son of Bundu.
115	356	Village Tihar	Nazroo.	Son of Bundu.
116	357	Village Tihar	Karnoo.	Son of Rahim.
117	358	Village Tihar	Sultan.	Son of Mula Bux.
118	358	Village Tihar	Nazroo.	Son of Bundu Khar.
119	359	Village Tihar	Bagga, Muslim.	
120	361	Village Tihar	Bagga.	Son of Nhir.
121	362	Village Tihar	Sharfu Numberdar.	
122	363	Village Tihar	Karam Blahi.	Son of Aimeri.
123	364	Village Tihar	Nure.	Son of Ashraf.
124	365	Village Tihar	Faqroo.	Son of Fazl-ullah.
125	366	Village Tihar	Maghlu.	Son of Allah Dia.
126	367	Village Tihar	Manghlu.	Son of Allah Dia.
127	368	Village Tihar	Nizam-ud-din.	
128	369	Village Tihar	Sharaf-ud-din.	
129	370	Village Tihar	Fazloo.	Son of Allahdiya.
130	374	Village Tihar	Sharfu.	Son of Spedar.
131	375	Village Tihar	Sharfu.	Sapedar.
132	376	Village Tihar	Umar Bux.	Son of Amir Khan.
133	377	Village Tihar	Hallu.	Son of Shamsher.
134	378	Village Tihar	Hakim.	Son of Bundu.
135	380	Village Tihar	Hakim.	Son of Bundu.
136	381	Village Tihar	Azizuddin.	Son of Ghise.
137	394	Village Tihar	Sultan.	Son of Wali Mohd.
138	395	Village Tihar	Sultan.	Son of Wali Mohd.
139	395	Village Tihar	Majnu.	Son of Nasira.
140	397	Village Tihar	Majnu.	Son of Nasira.
141	404	Village Tihar	Jamalu Uddin.	Son of Nur Allah.
142	410	Village Tihar	Nura.	Son of Nasroo.
143	413	Village Tihar	Rustam.	Son of Munir.
144	417	Village Tihar	Hamid.	Son of Bundu.
145	418	Village Tihar	Hamidu.	Son of Bundu.
146	419	Village Tihar	Hamidu.	Son of Bundu.
147	425	Village Tihar	Azimuddin.	Son of Kurla.
148	426	Village Tihar	Azimuddin.	Son of Nathu.
149	429	Village Tihar	Bundu.	
150	430	Village Tihar	Bundu.	Son of Khawani.
151	436	Village Tihar	Sindu.	Son of Mohra.
152	438	Village Tihar	Rashid.	Son of Shahbar.
153	439	Village Tihar	Rashid.	Son of Shahbar.
154	440	Village Tihar	Rashid.	Son of Shahbar.
155	442	Village Tihar	Khafrafi.	Son of Bachal.
156	452	Village Tihar	Dina Khan.	
157	455	Village Tihar	Farid.	
158	457	Village Tihar	Latif.	
159	458	Village Tihar	Allahdin.	

Sl. No.	Particulars of evacuee property	Name of the town/locality in which the evacuee property is situated	Name of the evicuee owner	Parentage of the evicuee owner
160	464	Village Tihar . . .	Badroo.	Son of Mahunadi.
161	465	Village Tihar . . .	Shahbaz.	Son of Dhannu.
162	466	Village Tihar . . .	Sardar.	Son of Shahbaz.
163	467	Village Tihar . . .	Shahzad.	Son of Aju Din.
164	468	Village Tihar . . .	Shahzad.	Son of Rajoo Din.
165	469	Village Tihar . . .	Karim Bux.	
166	470	Village Tihar . . .	Karim Bux, Ahmed.	Sons of Kallu.
167	471	Village Tihar . . .	Karim Bux, Rahim Bux and Ahmed Bux.	
168	472	Village Tihar . . .	Abdul Rehman.	Son of Badlu.
169	484	Village Tihar . . .	Nazari.	Son of Ramzani.
170	485	Village Tihar . . .	Chajju, Shamsheer.	Sons of Aslam.
171	490	Village Tihar . . .	Sadia.	Son of Juma Bux.
172	Plot No. 32	Village Tihar.	Nur Mohd. Agha & Suleman.	Sons of Badaruddin.
173	Plot No. 35	Village Tihar . . .	Abdul Rahim, Mulla .	Sons of Azizuddin.
174	Plot No. 53	Village Tihar . . .	Agha-din, Nur Mohd. & Suleman.	Sons of Badaruddin.
175	Plot No. 71	Village Tihar . . .	Munshi.	Son of Nanch Khan.
176	Plot No. 75	Village Tihar . . .	Fateh Khan.	Son of Rastam.
177	Plot No. 82	Village Tihar . . .	Munshi, Nanch.	Sons of Bahadur.
178	Plot No. 93	Village Tihar . . .	Mundhi.	Son of Naneh Khan.
179	Plot No. 98	Village Tihar . . .	Mula.	Son of Lala.
180	Plot No. 132	Village Tihar . . .	Sharfu Namberdar.	Son of Sapedar.
181	Plot No. 150	Village Tihar . . .	Abdul Aziz.	Son of Abdullah.
182	Plot No. 155	Village Tihar . . .	Abdul Aziz.	
183	Plot No. 284	Village Tihar . . .	Bundu.	Son of Allah Dad.
184	Plot No. 445	Village Tihar . . .	Kalander.	
185	Plot No. 456	Village Tihar . . .	Murad Teli.	
186	270	Chhawla Gate, Najafgarh.	Nasru.	Son of Kalu.
187	187	Masoodabad, Najafgarh.	Immamuddin.	
188	188	Masoodabad, Najafgarh .	Majid Jamadar.	
189	190	Masoodabad, Najafgarh .	Majid & Rashid.	
190	288	Chhawla Gate, Najafgarh .	Ishaq Ali.	Son of Syed Ali.
191	289	Chhawla Gate, Najafgarh .	Imtiaz.	Son of Niaz Ali.
192	290	Chhawla Gate, Najafgarh .	Fiaz Ali.	Son of Niaz Ali.
193	294	Chhawla Gate, Najafgarh .	Murad Ali.	
194	302	Moh. Nawad, Najafgarh .	Akhtar.	Son of Ahsan Ellahi.
195	306	Chhawla Gate, Najafgarh .	Yad Hussain & Shabrati.	
196	660	Moh. Khahan, Najafgarh .	Khajoo.	Son of Samad Ghosi.
197	707-A	Moh. Bhishtan, Najafgarh	Immamuddin.	
198	785-A	Moh. Pathanan, Najafgarh	Nazira.	
199	797	Moh. Pathanan, Najafgarh	Nazir Khan.	
200	809	Moh. Pathanan, Najafgarh	Gulzara.	Son of Chhota.
201	817	Moh. Beparian, Najafgarh .	Chaman.	Son of Ali.
202	863	Moh. Lal Kuam, Najafgarh.	Mohd. Jan & Ashaq.	
203	871	Moh. Lal Kuan, Najafgarh.	Chhote Khan & Niaz Khan.	
204	657	Moh. Ghosian, Najafgarh.	Bandu & Bundu.	Son of Shadi.
205	658	Moh. Ghosian, Najafgarh .	Mero.	Son of Samad.
206	736	Moh. Bhishtan, Najafgarh .	Nanwa.	

Sl. No.	Particulars of evacuee property	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
207	800-A	Moh. Phathanan, Najafgarh	Sultan.	
208	840	Moh. Beoparian, Najafgarh	Nabu.	Son of Bahadur.
209	1031	Moh. Jaman Gali, Najafgarh.	Lila.	Son of Qabira.
210	1033	Jain Mandir Gali, Najafgarh.	Allah Diya.	Son of Wazira.
211	1073	Moh. Qasayan, Najafgarh	Bullu.	Son of Chote..
212	1074	Moh. Beoparian, Najafgarh	Abid.	Son of Sandal.
213	1076	Moh. Beoparian, Najafgarh	Wazir.	Son of Amir.
214	1078	Moh. Beoparian, Najafgarh	Umra.	Son of Rehmatullah.
215	1080	Moh. Beoparian, Najafgarh	Jimun.	Son of Rehmatullah.
216	1081	Moh. Beoparian, Najafgarh	Fatzu.	Son of Kunc.
217	1083	Moh. Beoparian, Najafgarh	Rantzan.	Son of Ali.
218	1084	Moh. Beoparian, Najafgarh.	Khalrati.	
219	1087	Moh. Beoparian, Najafgarh	Abdul Shahkoor.	
220	1088	Gali Bahadur Garh, Najafgarh.	Allah Rakha.	
221	1088-A	Gali Beoparian Najafgarh	Amirullah.	
222	1090	Gali Beoparian, Najafgarh	Din.	Son of Moh. Umar.
223	1091-92	Gali Beoparian, Najafgarh	Maman Khan.	Son of Rahim Khan.
224	1095-96	Gali Beoparian, Najafgarh	Chhote and Immamuddin.	Sons of Ghisa.
225	1097	Gali Beoparian, Najafgarh	Ramzani.	
226	1098	Gali Beoparian, Najafgarh	Wazir.	Son of Madni.
227	1099	Gali Beoparian, Najafgarh	Mian Jan.	Son of Pira.
228	1100	Gali Beoparian, Najafgarh	Nathu.	
229	1101	Gali Beoparian, Najafgarh	Bhuroo.	Son of Didu.
230	1108	Gali Beoparian, Najafgarh	Salu.	Son of Shadi.
231	1117	Gali Beoparian, Najafgarh	Nabu.	Son of Bulla.
232	1118	Gali Beoparian, Najafgarh	Ramzani.	Paltoo.
233	1119	Gali Beoparian, Najafgarh	Bulloo.	Son of Paltoo.
234	1120	Gali Beoparian, Najafgarh	Ghastia.	Son of Dinoo.
235	1121	Gali Beoparian, Najafgarh	Shahbuddin.	
236	1133	Gali Bhangi Wara, Najafgarh.	Abdul.	Sons of Bugga.
237	1134	Gali Beoparian, Najafgarh	M/s Qaman & Nane.	Sons of Wafati.
238	1144	Gali Beoparian, Najafgarh	Ali.	Son of Nur Mohd.
239	1150	Gali Beoparian, Najafgarh	Nabi.	Son of Miran Bux.
240	1193	Gali Mata Wali, Najafgarh.	Ilahi Bux	Son of Noor Bux.
241	1194	Gali Mata Wali, Najafgarh.	Ilahi Bux.	Son of Noor Bux.
242	1196	Gali Mata Wali, Najafgarh.	Bundu.	Son of Abdullah.
243	1199	Gali Mata Wali, Najafgarh.	Fiaz.	Son of Illahi Bux.
244	1200	Gali Mata Wali, Najafgarh.	Allah Bux.	
245	1202	Gali Mata Wali, Najafgarh	Noor Mohd. & Garib.	
246	1210	Gali Wazir Khan, Najafgarh.	Sharafuddin.	Sorsof Golar
247	Plot No. 18/H. No. 1215	Gali Beoparian, Najafgarh	Madara.	Son of Allahdiya.
248	1219	Gali Beoparian, Najafgarh	Ali Mohamed.	Son of Noor Mohamed.
249	Plot No. 17	Gali Kherawas, Najafgarh	Mushtiaq & Sultan.	Sons of Karimuddin.
250	Plot No. 12	Gali Beoparian, Najafgarh	Shakoor.	Son of Lala.
251	1227	Gali Wazir Khan, Najafgarh.	Mohamed Din & Immamuddin.	
252	1230	Gali Wazir Khan, Najafgarh.	Hamid.	Son of Abdul Karim.
253	1230-A	Gali Beoparian, Najafgarh	Shakoor.	Son of Lala.
254	Plot No. 1234	Gali Beoparian, Najafgarh	Sardar.	Son of Kasme.
255	Chhappar 1236	Gali Wazir Khan, Najafgarh	Maula Bux.	
256	Chhappar 1240	Gali Wazir Khan, Najafgarh	Dustgir Khan.	Son of Ismail Khan.

Sl. No.	Particulars of evacuee property	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
257	1261	Gali Pathanan, Najafgarh .	Nazir Khan.	Son of Wali Mohamed Khan.
258	1263	Gali Pathanan, Najafgarh .	Mohamed Usman & Suleman.	Sons of Namdar Khan.
259	1267	Gali Pathanan, Najafgarh .	Mohamed Ishaq.	Son of Mahmood Khan.
260	1268	Gali Pathanan, Najafgarh .	Nazir Khan.	Son of Amir Khan.
261	1273	Gali Pathanan, Najafgarh .	Fazal Ahmed.	Son of Mahmood Khan.
262	1274	Gali Mara Wali, Najafgarh	Mohamed Ishaq.	Son of Abdul Samad.
263	1275	Gali Pathanan, Najafgarh	Mahmood Khan & Mumtaz Khan.	Sons of Kamdar Khan.
264	1275-A	Gali Pathanan, Najafgarh .	Walid Khan.	Son of Habib Khan.
265	1277	Gali Pathanan, Najafgarh.	Sher Khan.	
266	1280	Gali Khetwas, Najafgarh.	Mohamed Hanif & Shahbuddin.	Sons of Nazir Khan.
267	1281	Gali Marawali, Najafgarh .	Umar.	Son of Mehar.
268	1282	Gali Pathanan, Najafgarh .	Abdul Karim & Bashira.	Sons of Mian Jan.
269	1284	Gali Pathanan, Najafgarh .	Fattu.	Son of Ramala.
270	1290	Gali Pathanan, Najafgarh .	Ghisa.	Son of Lala.
271	Plot No. 38	Gali Pathanan, Najafgarh .	Mohamed Umar.	Son of Yaqub Bilach.
272	38/1293	Gali Pathanan, Najafgarh .	Mohamed Umar.	Son of Mehboob.
273	36/1293	Gali Pathanan, Najafgarh .	Mohamed Umar.	
274	1307	Gali Sayedan, Najafgarh .	Atta-Ullah alias Banda.	Son of Sultan.
275	1313	Gali Sayedan, Najafgarh .	Bhoorey Khan.	Son of Daud Khan.
276	1315	Gali Sayedan, Najafgarh .	Bhoorey Khan.	Son of Daud Khan.
277	1332—33	Gali Sunaran, Najafgarh .	Allah Dia & Fyez.	Sons of Shahbaz Khan.
278	1334 & 146/1334 D	Gali Khetwas, Najafgarh .	Munir Khan & Shamsher Khan.	Sons of Jangi Khan.
279	1345	Gali Khetwas, Najafgarh .	Abdul Aziz Khan.	
280	1350	Gali Khetwas, Najafgarh .	Majid Khan.	Son of Ghafoor Khan.
281	1351	Gali Khetwas, Najafgarh .	Ayub Khan & Yaqub.	Sons of Amir Khan.
282	1357	Gali Khetwas, Najafgarh .	Abdul Rashid & Abdul Wahab.	Sons of Ghafoor Khan.
283	Chhapar 1437	Gali Madian, Najafgarh .	Jangi Khan.	Son of Mehboob Khan.
284	1462	Gali Khetwas, Najafgarh .	Hassan Ali.	Son of Qadra.
285	1474	Gali Syedan, Najafgarh	Sadiqu.	Son of Shammui.
286	1478	Gali Masoodabad, Najafgarh.	Gullu.	
287	1479	Gali Masoodabad, Najafgarh.	Jahangir.	Son of Ramla.
288	1485—89	Gali Masoodabad, Najafgarh.	Ghafoora.	Son of Noor Bux.
289	1486	Gali Beoparian, Najafgarh .	Mohamed Din.	
290	1493	Gali Masoodabad, Najafgarh.	Abdul Majid.	Son of Abdul Aziz.
291	1496—97	Gali Masoodabad, Najafgarh.	Mumtaz.	Son of Rahim Bux.
292	1893	Gali Beoparian, Najafgarh .	Noori.	Son of Tundar.
293	Khasra No. 962/357	Gali Khetwas, Najafgarh .	Hafiz Khan.	Son of Najif Khan.
294	Khasra No. 920/730. 922/730.	Gali Ghafoor Khan, Najafgarh.	Hafiz Khan & Rafiq Mohamed.	
295	Khasra No. 96, 97 & 99.	Gali Khetwas, Najafgarh .	Fazal-ur-Rehman.	

Sl. No.	Particulars of the evacuee property.	Name of the town/locality in which the evacuee property is situated	Name of the evacuee owner	Parentage of the evacuee owner
296	Khasra, No. 818/75, 820/76, 822/77, 824/80, 81-85-86-826/87, 828/88-89-90-91-830/92-92-94-95-84	Gali Khetwas, Najafgarh.	Mushtaq Ahmed, Khalil Ahmed, Zafar Ahmed & Niaz Ahmed.	Sons of Atta Mohamed Khan.
297	Khasra No. 352-917/731, 919/731.	Gali Nawada, Najafgarh.	Ishaq Ali.	
298	VI/2693/5371 III/413-15	Kucha Rehman . . .	Noor Ellahi.	Son of Sahib Bakash.
299	821-824 }	Katra Ghee . . .	H. Nazar Ahmed.	
300	IV/737/1811.	Chandni Chowk . . .	1. Shri Abdul Rehman. 2. Mohamed Shaffi. 3. Mst. Janat Bi.	Son of Sirajuddin.

[No. F. 1(1218)58/Comp. III/Prop. I.]

(Office of the Chief Settlement Commissioner)

New Delhi, the 5th October 1959

S.O. 2518.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints, for the State of Bombay, Shri A. H. Malkani, for the time being holding the post of Settlement Officer, under Regional Settlement Commissioner-cum-Custodian of Evacuee Property, Bombay, as Deputy Custodian, for the purpose of discharging the duties assigned to the Custodian of Evacuee Property by or under the said Act.

[No. 16(14)-Admn(Prop)/59.]

S.O. 2519.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act No. 44 of 1954, the Central Government hereby appoints for the State of Bombay, Shri A. H. Malkani for the time being holding the post of Settlement Officer under the Regional Settlement Commissioner-cum-Custodian of Evacuee Property, Bombay as Managing Officer, for the custody, management and disposal of compensation pool.

[No. 16(14)-Admn(Prop)/59.]

New Delhi, the 3rd November 1959

S.O. 2520.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Claims) Supplementary Act 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Brij Lal Malik, as Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his office in the office of the Chief Settlement Commissioner.

2. The Central Government also appoints the said officer as Additional Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under said Act with effect from the same date.

[No. 11-B(55)/CSC/AI/59.]

New Delhi, the 6th November 1959

S.O. 2521.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Madhya Pradesh, Sarvashri K. N. Kohli and V. G. Pahlajani, for the time being holding the posts of Managing Officers under the Regional Settlement Commissioner, Indore, as Assistant Custodians for the purpose of discharging the duties assigned to the Custodian by or under the said Act with effect from the date they took over charge of their offices.

[No. VIII(12)-Prop(Admn.)/57.]

(Office of the Chief Settlement Commissioner)

New Delhi, the 6th November, 1959

CORRIGENDUM

S.O. 2522.—The Ministry's notification of even number dated 5th August, 1959, should be amended to read as Notification of even number dated the 5th September, 1959.

[No. 16(8)-Admn(Prop)/59.]

M. L. PURI,
Settlement Commissioner (Admn.), &
Ex-Officio Under Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd November 1959

S.O. 2523.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary, Act, 1954 (12 of 1954) I have delegated to Shri G. L. Ajwani, Assistant Settlement Commissioner with effect from the 19th October, 1959, the following powers of the Chief Settlement Commissioner, namely:—

- (1) Power to require a Settlement Officer to appoint one or more persons to advise him in any proceeding pending before him, under Sub-Section (2) of Section 6 of the said Act.
- (2) Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.
- (3) Power to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to Sub-Section (3) of Section 4 of the said Act.
- (4) Special power of revision under section (5) of the said Act in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950).

[No. 11-A(57)CSC/AI/59.]

L. J. JOHNSON, Chief Settlement Commissioner.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 4th November 1959

S.O. 2524.—The following draft of a further amendment of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of

1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th December, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendment

In item (c) of sub-clause (2) of clause 29 of the said Scheme, the following shall be inserted at the end, namely:—

“The same restrictions regarding employment shall apply in the case of tally clerks authorised to work without registration under sub-clause (2) of clause 18.”

[No. Fac. 174(9)/59.]

New Delhi, the 5th November 1959

S.O. 2525.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri S. K. Halder to be an Inspector for the whole of the State of West Bengal for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry.

[No. PF-I/31(653)/59.]

New Delhi, the 9th November 1959

S.O. 2526.—In pursuance of sub-clauses (1), (3) and (4) of clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby reconstitutes the Bombay Dock Labour Board so as to consist of the following members, namely:—

Members representing the Central Government

- (1) Shri V. T. Dehejia, I.C.S., Chairman, Bombay Port Trust, Bombay.
- (2) The Regional Labour Commissioner (Central), Bombay.
- (3) The Commissioner of Labour, Bombay.
- (4) Deputy Chairman, Bombay Dock Labour Board.
- (5) Deputy Director General, Shipping, Bombay.

Members representing the dock workers

- | | |
|--|--|
| (1) Shri S. R. Kulkarni | } .
Representatives of the Transport & Dock Workers' Union. |
| (2) Shri M. G. Kotwal | |
| (3) Shri K. A. Khan | |
| (4) Shri K. R. Prabhudesai | |
| (5) Shri H. N. Trivedi—Representative of the Bombay Stevedores' & Dock Labourers' Union. | |

Members representing the employers of dock workers and shipping companies

- | | |
|--|---|
| (1) Shri E. M. Cassinath | } .
Representatives of the Bombay Stevedores' Association Ltd. |
| (2) Shri S. C. Sheth | |
| (3) Shri D. A. Dhunjibhoy | |
| (4) Dr. N. P. Mehta—Representative of the Indian National Steamship Owners' Association. | |
| (5) Shri N. M. Mehta—Representative of Karmahom Conference. | |

2. The Central Government hereby nominates Shri V. T. Dehejia, I.C.S., Chairman, Bombay Port Trust, Bombay, as the Chairman of the said Board.

[No. Fac. 172(31)/59.]

S.O. 2527.—In exercise of the powers conferred by sub-section. (1) of section 13 of the employcees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri R. K. Parihar to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry *vice* Shri Raj Kumar Rastogi.

[No. PF-I/31(564)59.]

S.O. 2528.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Raj Kumar Rastogi to be an Inspector for the whole of the State of Punjab and the Union territory of Himachal Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry, *vice* Shri R. K. Parihar.

[No. PF-I/31(575)/59.]

New Delhi, the 10th November 1959

S.O. 2529.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 31st July, 1956, to the factory known as the Navajivan Trust Mudranalaya, Post Office Navajivan, Ahmedabad-11, there was in existence a provident fund common to the employcees employed in the factory, to which the said Act applies, and the employees in its other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the said establishments.

SCHEDULE

1. The Navajivan Trust Mudranalaya, Branch Office, Relief Road, Ahmedabad.
2. The Navajivan Trust Mudranalaya Branch Office, 22/111, Mount Road, Madras-6.
3. The Navajivan Trust Mudranalaya, Branch Office, Govind Mitra Road, Patna-4.
4. The Navajivan Trust Mudranalaya, Branch Office, Connaught Circus, New Delhi.
5. The Navajivan Trust Mudranalaya, Branch Office, 130, Princess Street, Bombay-2.
6. The Navajivan Trust Mudranalaya, Branch Office, Vishnu Ashram, Aminudaula Park, Lucknow.
7. The Navajivan Trust Mudranalaya, Branch Office, 5, Gandhi Bhavan, Princess Yashwant Road, Indore (M. P.)
8. The Navajivan Trust Mudranalaya, Branch Office, Raopura, Opposite Kothi, Baroda.
9. The Navajivan Trust Mudranalaya, Branch Office, Sir Lakhaji Raj Road, Rajkot.
10. The Navajivan Trust Mudranalaya, Branch Office, 41, Eden Hospital Road, Calcutta.
11. The Navajivan Trust Mudranalaya, Branch Office, Main Road, Kanpith, Surat.
12. The Navajivan Trust Mudranalaya, Branch Office, Chauda Rasta, Jaipur.

[No. PF.II.-7(39)/59.]

P. D. GAIHA, Under Secy.

New Delhi, the 5th November 1959

S.O. 2530.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Dalingkote Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 41 of 1959

PARTIES:

Employers in relation to the Dalingkote Colliery.

AND

Their workmen.

Dhanbad, the 26th October 1959

PRESENT:

Shri Salim M. Merchant, B.A., L.L.B., Presiding Officer

APPEARANCES:

Shri S. Das Gupta, Secretary, Indian National Mine Workers Federation, with Shri J. K. Mallyil, Secretary, Darjceling Coalfield Workers Union, *for the workmen.*

Shri P. K. Ray, Managing Director, M. K. Ray (Private) Ltd., on 6th August 1959, for the employers and no representation thereafter.

STATE: West Bengal.

INDUSTRY: Coal.

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. LR. II-1(116)/58, dated 23rd June, 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947, (XIV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order:—

SCHEDULE

“(a) Whether the retrenchment of the following fifteen workmen was justified and in order:—

- (i) Shri Shyamal Kumar Sen (ii) Shri Jetha Bhujel (iii) Shri Khetra Basi Barik (iv) Shri Sajani Kanta Suthradhar (v) Shri M. L. Barori (vi) Shri Bir Bahadur Sonar (vii) Shri Gandra Oraon (viii) Shri Naren Biswas (ix) Shri S. M. Ghose (x) Shri Indu Bhusan Chakrabarty (xi) Shri Binoy Bhusan Mazumdar (xii) Shri Goti Rana (xiii) Shri Baji Sona (xiv) Shri Natho Bariko (xv) Shri Changba Thamang.

(b) If not, to what relief are they entitled and from which date?”

2. After the usual notice was issued Messrs. M. K. Ray (Private) Ltd., (hereinafter referred to as the company) which owns the Dalingkote colliery, through its Managing Director, Shri P. K. Ray, filed a rejoinder dated 2nd August, 1959, in reply to the three statements of demands of the union dated 23rd January 1959, 4th February 1959 and 7th February 1959. The management's rejoinder was received by the Tribunal on 5th August, 1959, but as copies thereof as directed had not been served by the management upon the union by 6th August, 1959, the date of hearing, the case had to be adjourned to 14th September, 1959 and I ordered the management to pay Rs. 50 as costs of the adjournment in this reference and in another reference—Reference No. 43 of 1959. Thereafter, the union filed a written reply dated 1st September, 1959 to the management's rejoinder of 2nd August 1959. Subsequently, the management filed a supplementary rejoinder dated 5th September 1959 and a further rejoinder dated 10th September 1959 which were signed by one Shri S. Bhattacharjee, as Director of the company. It appears that the said Bhattacharjee was appointed as a Director of M. K. Ray (Private) Ltd. at a meeting held on 1st September 1959 and he appeared on behalf of the management at the hearing on 14th September 1959, but after the dispute was heard for sometime, he filed a written application for permission to withdraw the said two statements dated 5th September 1959 and 10th September 1959

and also to withdraw his appearance from the case on the ground that he had no personal knowledge of the facts of the case. The union had no objection to this application of Shri Bhattacharjee and as I was satisfied that he had no personal knowledge whatsoever of this dispute, I allowed the application and adjourned the hearing to 13th October 1959 and made an order for costs of Rs. 75/- in favour of the Union to be paid by the management on or before the next hearing.

3. The case was taken up on 14th October, 1959 when a clerk of Messrs. M. K. Ray (Private) Ltd., Shri Kirti Bhushan Mukherjee, filed a petition dated 16th September, 1959 signed by Shri P. K. Ray, Managing Director for M. K. Ray (P) Ltd., in which Shri P. K. Ray stated that it was not possible for him to attend the hearing of this dispute because he was engaged, and would continue to remain engaged, for some considerable time in his efforts to set aside an order of the Government of West Bengal dated 28th August, 1959 by which the mining lease dated 12th March, 1946 granted in favour of M. K. Ray (Private) Ltd., in respect of land over which the Dalingkote colliery was based, had been cancelled. Shri Kirti Bhushan Mukherjee also tendered other documents which had been signed by Shri P. K. Ray but he also stated that he had no personal knowledge of the dispute and had only authority to tender the documents sent with him. A telegram was, however, received from Shri P. K. Ray asking for an adjournment and praying that the hearing of the dispute should take place at Kalimpong. This application was opposed by the Union and as I was satisfied that the application for adjournment was not justified, by a separate order passed on that date, I rejected the application for adjournment and proceeded with the hearing of the dispute.

4. The two questions referred for adjudication in this dispute are, (1) whether the retrenchment of the 15 workmen mentioned in the schedule to the Order of reference was justified and in order, and (2) if not, to what relief they are entitled and from which dates.

5. Before dealing with the merits of the dispute I may state that an earlier dispute between the employers in relation to this very colliery viz. Dalingkote colliery, and its workmen with regard to the retrenchment of 19 other workmen of the Dalingkote colliery had been referred to me for adjudication, being Reference No. 1 of 1959. By my award in that dispute, published in Gazette of India, Part II Section 3(ii) dated 29th August 1959, I held after a detailed discussion of the circumstances resulting in the retrenchment of these workmen, that their retrenchment was not justified nor in order, and directed the management to pay them notice pay and retrenchment compensation as provided by clauses (a) and (b) of Section 25F of the Industrial Disputes Act, 1947, as also additional compensation equivalent to two months' pay (basic pay plus dearness allowance) for their illegal and unjustified retrenchment.

6. Before proceeding with the discussion of the merits of retrenchment of these 15 workmen, I may state that at the hearing the union did not press the claim in respect of 5 of the retrenched workmen mentioned in the schedule to the Order of reference, namely (ii) Shri Jetha Bhujel, (iii) Shri Khetra Basi Barik (iv) Shri Sajani Kanta Suthradhar (viii) Shri Naren Biswas and (xv) Shri Changba Thamang.

7. It is admitted that the remaining ten workmen were retrenched by the company's notices dated 13th January, 1959, 31st January, 1959 and 5th February, 1959. The notices dated 13th January, 1959 and 5th February, 1959, were in identical terms and stated that due to suspension of mining operation and curtailment of maintenance work in Dalingkote colliery their services were retrenched with immediate effect. They were, therefore, called upon to collect their dues as provided by section 25FFF of the Industrial Disputes Act by calling at the Bagrakote office, which is another name for the Dalingkote colliery. The notice dated 31st January, 1959 stated that as the Deputy Coal Controller (Distribution) had restricted the sale of the company's coal to the permit holders and had limited the zone where coal could be sold, and therefore there was no prospect of selling more than 10,000 tons of coal which was too small a quantity to run a coal mine. The notice went on to state that due to suspension of large scale mining work it had become necessary to retrench the workmen with immediate effect. They were further informed that they would be paid their dues according to Section 25FFF of the Act. After the notice of retrenchment was served the management by its letter dated 20th April, 1959 and subsequent days, forwarded a statement of what was due to them by way of retrenchment compensation under proviso to Section 25FFF (1) of the Act and other dues and the amounts were forwarded to the workmen by Money Orders. But it is admitted that the workmen refused to accept those amounts because they contended that the retrenchment was not justified nor in order.

8. The Union's case is that the retrenchment of these 10 workmen was not justified and not in order as it was made (1) on a mere apprehension of the management that it would have to close down the colliery, (2) that the retrenchment was not in order as the provisions of Section 25G of the Act were not followed inasmuch as the principle of last come first go was not adhered to and senior workmen were sent away whilst junior workmen belonging to the same category were retained in service, (3) that there had been no complete closure of the colliery and that in any case provisions of Section 25FFF did not apply as the retrenchment was not due to reasons beyond the control of the management. The union has also urged that the management had resorted to unfair labour practice in retrenching these workmen because they were members of the Darjeeling Coalfield Workers Union.

9. The management in its rejoinder dated 2nd August, 1959 has stated that because of restrictions imposed by the Deputy Coal Controller (Distribution) on the sale of coal of this colliery, the management apprehended that it might be obliged to close down the colliery and retrench workmen. When it came to be known that retrenchment was going to be effected some of the clerical staff formed themselves into a union for the first time in June 1958 to resist the apprehended retrenchment; that this is a seasonal colliery and the union was formed after all the mining labourers left for home during the monsoon intermission of work; that in retrenching the workmen the procedure laid down in the Industrial Disputes Act 1947 was strictly followed. The company in its rejoinder dated 2nd August, 1959 has dealt with the case of each workman and attempted to show how the retrenchment of each of them was justified. But as I have already stated earlier, the management did not appear at the hearing nor was any evidence led in support of those contentions. I cannot help observing that all sorts of extraneous matters have been referred to in the management's written statements and documents tendered at the hearing on 14th October, 1959 and that the management failed to furnish copies of the same to the Union. The Union has challenged the correctness of these documents and as no one appeared on behalf of the management to prove the same, no cognizance can be taken of them.

10. I shall first deal with the question whether the retrenchment of these 10 workmen was justified. The entire case of the management is on the footing that the retrenchment was justified because by the dates these workmen were retrenched, the colliery had completely closed down. But the notices of retrenchment, as I have pointed out earlier, do not support this contention. In the notices dated 13th January, 1959 and 2nd May, 1959, the reason stated is that there was suspension of mining operation and curtailment of maintenance work and in the notice dated 31st January, 1959, it is stated that the retrenchment was due to the restrictions placed on the sale of coal to permit holders. But as I have pointed out in my award in Reference No. 1 of 1959, these restrictions were subsequently removed and by June, 1958, the company had been given an unlimited period within which to fulfil the orders for its coal. The management had not utilised that opportunity. The management have not stated the specific date on which this colliery was closed down, as alleged by it. If it was a case of complete closure all the workmen would have been retrenched at one time and not at different dates, as has happened in this case. In the circumstances, I am inclined to accept the union's contention that retrenchment was effected merely on an apprehension that there would not be any sale of this colliery's coal. I am, therefore, satisfied that the retrenchment of these 10 workmen was not justified.

11. The next question to consider is whether the retrenchment was in order i.e. whether the provisions of the Industrial Disputes Act, 1947 relating to retrenchment were followed. The company's contention throughout has been that the retrenchment effected by it was covered by the provisions of Section 25FFF which provides for compensation to be paid to workmen in the case of closing down of undertakings. The relevant portions of Section 25FFF are as follows:—

"25FFF (1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation, to be paid to the workman under clause (b) of Section 25F shall not exceed his average pay for three months.

Explanation.—An undertaking which is closed down by reason merely of financial difficulties (including financial losses) or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.

12. The company's case is that retrenchment compensation to these retrenched workmen should be limited to their average pay for 3 months as the retrenchment was covered by the proviso to Section 25FFF(1), as according to it the colliery was closed down on account of unavoidable circumstances beyond its control. As I have already held that there was no complete closure of the colliery, this contention cannot be accepted. Even if it was retrenchment effected on closure, the compensation payable to the retrenched workmen under Section 25FFF(1) would be the same as payable under Section 25F(b) unless the management establish that the retrenchment was effected "for unavoidable reasons beyond the control of employer". The onus of proving this was undoubtedly upon the employer but as I have stated earlier, the management has not made the least attempt to discharge this onus. I therefore reject this contention of the management and hold that the retrenched workmen were entitled to payment of full retrenchment compensation as provided for by Section 25F(b) and that the same was illegally sought to be limited to three months average pay under the proviso to Section 25FFF(1). There has thus been in my opinion, a clear breach of the conditions precedent to retrenchment prescribed by Section 25F of the Act and of Rule 76 of the Industrial Disputes (Central) Rules 1957.

13. Section 25F of the Industrial Disputes Act 1947 lays down the following three conditions precedent to retrenchment:—

- (a) that the retrenched workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice had expired or workman has been paid in lieu of such notice wages for the period of notice;
- (b) the workman has been paid at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government.

14. Now the union's case is that these mandatory provisions of Section 25F were not followed. As I have already indicated above these 10 workmen were retrenched with immediate effect by the notices dated 13th January, 1959, 31st January, 1959 and 5th February, 1959. The provisions of clauses (a) and (b) of Section 25F were also not observed as the retrenched workmen were not paid at the time of retrenchment wages for the notice period and the compensation that they were entitled to on the basis of their length of service till date of retrenchment. The management admittedly forwarded the amounts payable under the proviso to Section 25FFF(1) sometime in April 1959, a considerable time after the retrenchment notices were served upon them. There is also no proof that the provisions of Section 25F(c) were observed inasmuch as the management has not proved that the notice to Government in form 'P' was sent within the time and in the manner prescribed by Rule 76 of the Industrial Disputes (Central) Rules, 1957. In fact, the management had led no evidence at all to show that the prescribed notice under Section 25F(c) was at all sent to Government. It was only on 20th April, 1959, long after the notices of retrenchment, that the management remitted the amounts that were due to them by way of notice pay and retrenchment compensation. The High Court of Bombay has held in the case of the Hospital Mazdoor Sabha and the State of Bombay (1957-I.L.L.J. p. 55), that failure to comply with the conditions precedent to retrenchment as prescribed by Section 25F, gives the workmen retrenched a right to challenge the retrenchment and contend that the services were not legally and effectively terminated.

15. The union has further contended that the management had not followed the procedure prescribed by Section 25(G) of the Act, i.e. that it had not followed the principle of "last come first go" in respect of the particular category of each of the 10 workmen retrenched. Section 25(G) is as follows:—

"25(G) Where any workmen in an industrial establishment who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman."

Whilst the management has in its written statement stated that the principle of "last come first go" had been followed, it has failed to establish this at the hearing. The management has filed an alleged seniority list of workmen under Rule 77 of the Industrial Disputes (Central) Rules, 1957 but this was never proved at the hearing. On the other hand, the union at the hearing led the evidence of Shri K. B. Roy (W.W. 1) a former employee of this colliery, who has given particulars of the workmen retrenched and of those who were junior to them in the same category but were retained in service. I am, therefore, satisfied that there was no observance of the procedure prescribed by Section 25G of the Act and that the retrenchment of these ten workmen was for that reason also unjustified and illegal.

16. The management has annexed to its rejoinder dated 2nd August, 1959 a tabulated statement showing the dates of appointment, dates of retrenchment, the basic pay, dearness allowance and the date of sending the statement of account and the amount of retrenchment compensation which was forwarded to the workman concerned by Money Order excepting in cases where according to it the amount of advance made by it, was in excess of the retrenchment compensation and other dues payable to the workmen concerned. The union has challenged the correctness of this statement excepting with regard to the dates of retrenchment and the amount of basic pay and Dearness allowance stated therein. The union has also challenged the dates of appointment shown, in the company's statement except for the dates of appointment of two of the workmen namely Shri M. L. Barori and Shri B. B. Majumdar. The union has denied that any advances were legally made or recoverable by the management. The union has prepared the following statement:—

Statement showing the amount of retrenchment compensation in respect of workmen concerned in Reference No. 41 of 1959

Serial No. in the Schedule	Name	Emoluments					Date of appointment	Year of service	Retrenchment Compensation		Notice pay	Total
		Basic	D.A.	E.D.A.	Other Allow.	Total			Day's wages	Amount		
		Rs.	Rs.	Rs.	Rs.	Rs.						
i	Sri Shyamal Kumar Sen.	30	45	4.87	..	79.87	Dec. 1955	Three years.	45	138.24	79.87	218.11
v	Sri M.L. Barori	105.00	67.00	4.87	20.00	196.87	10-1-56	Do.	45	339.88	196.87	536.75
vi	Sri Bir Bahadur Soner.	1.06	1.53	0.19	..	2.78	1945 Sept.	14 years	210	583.80	72.28	656.08
vii	Sri Gandra Oraon	2.25	1.02	0.19	..	3.36	1944	14 "	210	705.60	87.36	792.96
ix	Sri S.M. Ghosh	49.00	49.00	4.87	15.00	117.87	20-11-56	2 "	30	132.16	117.87	250.03
x	Sri I.B. Chakrabarty	46.00	46.00	4.87	..	96.87	Jan. 1950	9 "	135	464.52	96.87	561.39
xi	Sri B.B. Majumdar	57.00	50.00	4.87	5.00	116.87	4-10-56	2 "	30	134.84	116.87	251.71
xii	Sri Goti Rona	1.06	1.53	0.19	..	2.78	6-11-1957	1 year	15	41.70	71.28	112.98
xiii	Sri Baji Sena	1.06	1.53	0.19	..	2.78	March '58	1 "	15	41.70	71.28	112.98
xiv	Sri Natho Bariko	1.06	1.53	0.19	..	2.78	29-8-57	1 "	15	41.70	71.28	112.98

N.B. — Over and above the amounts mentioned above, the following dues also should be cleared off :—

- All unpaid wages.
- unpaid enhanced D.A. from 1-4-1958.
- wages in lieu of unavailed leave.
- unpaid bonus.

The correctness of this statement is supported by the evidence of its witness Shri K. B. Roy (W.W. 1) and the documents (Exhibits W-A to W-E) tendered by it through this witness and I accept this statement. The statement shows the total amount payable to each workman by way of retrenchment compensation based on the length of service put in and one month's pay in lieu of notice. The date of appointment of each of these ten workmen is stated in the statement annexed to the union's written statement in reply dated 1st September, 1959 and the same were deposed to by the union's witness, W.W.1 and I accept the same as correct. The retrenchment compensation claimed by the union under Section 25F(b) is based on the length of service as shown in that statement. In addition the workmen are also entitled to their unpaid wages, unpaid enhanced dearness allowance from 1st April, 1958, wages in lieu of unavailed of leave and unpaid bonus.

17. The union has further claimed that each of these 10 workmen should be directed to be reinstated in service and the management should be directed to pay them their wages from the date of retrenchment till the date of their reinstatement. I am not satisfied that the claim of reinstatement of these workmen would be justified as since the reference was made the government of West Bengal by its order dated 28th August, 1959, published in the Calcutta Gazette Extraordinary of that date, has terminated the mining lease granted in favour of this company on which the Dalingkote colliery is based. Since the mining lease has been cancelled there is no likelihood of the colliery re-starting work in the near future. There will, therefore, be no point in making an order for reinstatement. Of course, this does not mean that if and when the colliery is re-started the workmen would be entitled to re-employment as provided for by Section 25(H) of the Act. I think in the circumstances of this case, the ends of justice would be met if instead of ordering reinstatement, the management were directed to pay each of them additional compensation equivalent to two months' pay (i.e. basic wage and dearness allowance) calculated at the rate to which they were entitled to the same on the dates of their respective retrenchment.

18. I, therefore, direct the management to pay to each of these 10 workmen the notice pay and retrenchment compensation as stated in the Union's statement reproduced at Para 16 of this Award as also all their unpaid wages, unpaid enhanced dearness allowance from 1st April, 1958, wages in lieu of unavailed earned leave, unpaid bonus and two months wages as additional compensation for their un-justified and illegal retrenchment within one month from the date this award comes into operation.

19. I am also of the opinion that this is a fit case for awarding costs. The management has not paid the cost of Rs. 50 and Rs. 75 which I had directed it to pay for the adjournments granted on 6th August, 1959 and 14th September, 1959. The management shall pay the same and shall also pay another Rs. 100 as costs of this case and I direct it to pay the same to the union within one month from the date this award becomes enforceable.

DHANBAD;

The 26th October, 1959.

(Sd.) SALIM M. MERCHANT,

Presiding Officer,
Central Govt. Industrial Tribunal, Dhanbad.

[No. LR II-1(116) 58.]

New Delhi, the 9th November 1959

S.O. 2531.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Sirka Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 38 of 1959

PARTIES:

Employers in relation to Sirka Colliery.

AND

Their workmen.

Dhanbad, dated the 30th October 1959.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

APPEARANCES:

For the employer—Shri J. L. Sinha, Group Personnel Officer.

For the workmen—Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, Shri K. P. Ojha, General Secretary, Sirka Colliery Mazdoor Sabha Sangh.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II/2(61)/59 dated 5th June, 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order:—

SCHEDULE

“Whether the management of Sirka Colliery is justified in grading Sarvashri Hardeo Singh and M. Choudhury as Mining Sirdars, Class II and Shri Mohan Prasad as Mining Sirdar, Class III, while implementing the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal. If not, to what relief are they entitled?”

2. After the usual notices were issued, the Secretary of the Sirka Coal Mazdoor Seva Sangh, filed the statement of claim dated 13th July, 1959, in which it is stated that Sarvashri Hardeo Singh, M. Choudhury and Mohan Prasad, had been working as Deputy Overman prior to the Award dated 26th May, 1956, of the All India Industrial Tribunal (Colliery Disputes), popularly known as the Majumdar Award; that they are in the charge of their own shifts and supervise the work of a mining Sirdar under them in their respective shifts in each mine; that they possess valid sirdar's certificates, gas testing and ambulance certificates; that the management while implementing the Majumdar Award had changed their designation from Deputy Overmen to that Mining Sirdars with a view to deprive them of the higher scale of pay prescribed by the Award, as modified by the decision of the Labour Appellate Tribunal of India dated 29th January, 1957, for Deputy Overmen, to which they were entitled. The union has, therefore, claimed that they should be awarded the designation of Deputy Overmen with the scale of pay prescribed by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal and that they should be granted the increment from the date they started service as Deputy Overmen.

3. The management, in its written statement in reply dated 30th July, 1959, has firstly contended that the dispute concerns only three individual workmen and that the workmen in general of this colliery are not concerned in the dispute and therefore this is not an industrial dispute and is bad in law and not maintainable. But at the hearing, this legal objection was given up and not pressed and it is therefore not necessary to deal with it.

4. On the merit, the company's case as stated in its written statement is that before the Majumdar Award designations were loosely used and that the 3 workmen concerned in the dispute though designated as Deputy Overmen, before the Award, were actually performing the duties of Mining Sirdars as prescribed by the Mines Regulations. With regard to Hardeo Singh, the company has stated that he was appointed in February, 1947 and was designated as Deputy Overman in 1950 and obtained the ambulance certificate on 13th July, 1956 and considering the duties performed by him he was correctly put in the category of Mining Sirdars Class II from October, 1956. With regard to Muchkuna Choudhry the company has stated that he worked as a Munshi upto January, 1952, and was then designated as Deputy Overman from February, 1952. He obtained his ambulance certificate on 13th July, 1956 and considering the duties performed he was correctly placed in the category of Mining Sirdars Class II from October 1956. With regard to Mohan Prasad the company has stated that he worked as Munshi upto December, 1954 and was designated as Deputy Overman from January, 1955. He obtained his ambulance certificate on 13th July, 1956 and Gas Testing certificate on 18th July, 1957 and considering the duties performed by him, he was rightly put in category of Mining Sirdars Class II from October, 1956. The company has denied the union's statements that these workmen are the in-charges in their own shifts and supervise the work of mining sirdars working under them in their respective shifts and has submitted that there are three overmen, one in each shift in the mine where these three workmen work; that there

are six other Mining Sirdars, making a total of nine Mining Sirdars; that none of these nine mining sirdars are under any other mining sirdar and that it is incorrect to say that each of these 3 mining Sirdars of the reference, has another mining sirdar working under him; that one of these workmen except Hardeo Singh had an ambulance certificate till 13th July, 1956 and Mohan Prasad obtained his certificate for gas testing only on 18th July, 1957; that though these 3 workmen were designated as Deputy Overmen prior to the Majumdar Award, their qualifications and the work performed by them did not answer the job description of Deputy Overman as given in the award; that under the Coal Mines Regulations also different duties have been prescribed for overmen and Mining Sirdars and the duties and responsibilities of the three Mining Sirdars do not conform with those mentioned in the Regulations for overmen; that there is no gas in the Sirka colliery and there is also no de-pillaring work in the colliery; the management has finally urged that the claim of these three workmen is speculative and they are not entitled to the relief claimed or any relief at all.

5. Before dealing with the contentions of the parties it is necessary to state that before the Majumdar Tribunal, the representatives of the employers and the representatives of workmen had filed an approved statement of the designations and classification of Overmen, Mining Sirdars and Shot-Firers, which is Appendix XVII to the Majumdar Award. The relevant designations for the purposes of the present enquiry are those of "Senior Overmen", "Overmen" "Deputy Overmen," "Mining Sirdars Class I, II and III" and their duties and qualifications as stated in Appendix are as follows:—

"The following designations and classifications have been approved by representatives of IMA, INMWF, and KMP.

1. Senior Overmen are Overmen in-charge of a section or sections of the mine for all 3 relays. They may also be known as "Head Overmen", "Overmen-in-Charge" or "In Charge".
2. Overmen are persons in charge of a section or sections of a mine on one relay. They should hold a Mining Sirdars' Certificate and in the case of gassy mines, the certificate must be endorsed for gas testing. They should preferably hold an ambulance certificate.
3. Deputy Overmen, Asstt. Overmen, Junior Overmen.—These designations are given in some collieries to persons who hold a Sirdars' Certificate and do work entailing less responsibility and needing less experience than that of an overman as defined above, but who have a little more responsibility than a mining sirdar.
4. Mining Sirdar, Class I works under the Overman. He has to possess a Sirdars' Certificate endorsed for gas testing and an ambulance certificate. In the case of non-gassy mines a man may be promoted to Mining Sirdar Class I without a gas testing certificate, but only if he is of long experience and is in charge of difficult de-pillaring work.
5. Mining Sirdars, Class II must hold a Sirdar's Certificate for gas testing; in a non-gassy mine he need not hold an endorsement for gas testing but in that case he must be capable of taking charge of a depillaring section and must also hold an ambulance certificate. Men working as Shotfirers in gassy mines should be graded as Mining Sirdars Class II.
6. Mining Sirdars, Class III must hold a Mining Sirdars' Certificate and an ambulance certificate."

6. It will be seen from the above classification that Deputy Overmen are classified below overmen and in a category higher than Mining Sirdar Class I. This classification was accepted by the Labour Appellate Tribunal by its decision dated 29th January, 1957, which fixed the scales of pay of Rs. 65-5-95, Rs. 55-3-86, Rs. 52-3-73 and Rs. 46-3-61 for Deputy Overmen, Mining Sirdars Class I, II & III.

It may here be stated that in implementing the Majumdar Award, the management fixed Hardeo Singh and M. Choudhury in the grade of Mining Sirdars Class II and Mohan Prasad in the grade of Mining Sirdar Class III but it was stated at the hearing of the dispute on 30th September, 1959, that Mohan Prasad has been promoted to the grade of Mining Sirdar Class II, about a month ago. It may be relevant at this stage to state the L.A.T. in para 276 of its award has observed that the Deputy Overman is not a common category and that he comes between the Mining Sirdar and the Overman.

7. Now, on the merits, the admitted position is that each of these three workmen concerned in this dispute was prior to the coming into operation of the Majumdar Award designated as Deputy Overmen and it was only when the Majumdar Award was implemented by the Management of this colliery in October, 1956, that Hardeo Singh and M. Choudhury were classified as Mining Sirdars Class II and Mohan Prasad was classified as Mining Sirdar Class II. It appears that Hardeo Singh was appointed in 1947 as Mining Sirdar and was designated as Deputy Overman on 14th February, 1950. M. Choudhury was originally appointed as a Munshi. He got his Mining Sirdar's Certificate in 1950 and was appointed as Deputy Overman in February, 1952. Mohan Prasad was appointed as Munshi and continued as such until December, 1954 and was designated as Deputy Overman from January, 1955. It is further admitted that each of these three workmen possessed the Mining Sirdar's certificate before the Majumdar Award came into operation on 26th May, 1956. The Union has urged that because on the date the Majumdar Award came into operation each of these three workmen bore the designation of Deputy Overman they were entitled to be designated and classified as such under Appendix XVII to the Majumdar Award and were entitled to be paid the scale of pay fixed by the Majumdar Award as modified by the Labour Appellate Tribunal for Deputy Overmen. The management on the other hand has contended that prior to the Majumdar Award designations in its collieries were loosely used and bore no relation to the actual duties performed. It has contended that though these three workmen were designated as Deputy Overmen they were actually performing the duties of Mining Sirdars as prescribed by the Mines Regulations and considering their duties the management was justified in classifying them as Mining Sirdars. In my opinion, the mere fact that because these workmen were on the date the Majumdar Award came into operation designated as Deputy Overmen, cannot by itself entitle them to be classified as such and to be paid the wages prescribed for Deputy Overmen by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal. Appendix XVII of the Majumdar Award has indicated the responsibilities and qualifications of Deputy Overmen and Mining Sirdars and before a workman can claim those designations, he must establish that by the responsibilities he discharged and the qualifications he possessed, he is entitled to be placed in that category. The union in support of its contention has referred to my award in Reference No. 30 of 1958 where I had held that "Gomastas" were entitled under the Majumdar Award to be classified in Grade I of the clerical staff on the basis of their designation. But that case involved the consideration of Appendix XVI of the Majumdar Award where the parties had agreed to classification on the mere basis of designation and the Award did not contain any directions with regard to the duties and qualifications for the designations classified in Appendix XVI. That case in my opinion has no relevancy to the present case.

8. It is next contended by the Union that even on the basis of the duties performed by these three workmen they are entitled to be classified as Deputy Overmen and paid the wages fixed for that category by the Majumdar Award. Before dealing with this contention it is necessary to state that the Sirka colliery has one quarry and three underground sections, consisting of East Cross Cut, West Cross Cut and a 90 feet contour. It is admitted that these workmen work in the East Cross Cut section of the West Sirka Mine, which is an incline. It is admitted that all sections of the mine work in three shifts. It appears that the management has appointed only two overmen for the East Cross Cut and West Cross Cut sections and that for one of the shifts in the East Cross Cut section the management utilises the services of a Mining Sirdar to do some of the duties of an Overman. It is further admitted that for the shift in which there is no overman the responsibility for the safety of the mine is left with the respective Mining Sirdars. The Manager of the colliery Shri L. S. Ghate (E.W. 1) in his evidence admitted this fact.

9. The Union in support of its claim that these 3 workmen should have been classified as Deputy Overmen under the Majumdar Award, has urged that even before the Majumdar Award came into operation these 3 workmen were discharging the duties of Deputy Overmen. The Union has urged that each of these three workmen had qualified as Mining Sirdar and held a Mining Sirdar's certificate before the Majumdar Award came into force. The Union has stated that Hardeo Singh secured the Mining Sirdar's certificate in 1945; Muckhand Choudhury in 1950 and Mohan Prasad in 1954, whilst the company has stated that Hardeo Singh got the Mining Sirdar's certificate in 1947, Muckhand Choudhury in 1952 and Mohan Prasad in 1955. But the important point is that each of them was a qualified Mining Sirdar before the Majumdar Award came into force. The Union's case is that these workmen were working as Mining Sirdars before they were designated as Deputy Overmen. As stated earlier, the company has admitted in its written statement that Hardeo Singh was designated as Deputy Overman in

July, 1950, Muckhand Choudhury in February, 1952 and Mohan Prasad in January, 1955. The company's case is that prior to the Majumdar Award there was no designation of Mining Sirdars in the Sirka Colliery, but they had the designations of Deputy Overmen, Overmen and Head Overmen. The union, however, has contended that there was a designation of Mining Sirdar in this colliery prior to the Majumdar Award and its case is that Hardeo Singh had joined service in 1947 at Mining Sirdar. Hardeo Singh (W.W. 1) in his evidence has deposed to that effect and this statement of his was not challenged in cross-examination. It is further significant that the management in its written statement whilst stating that Hardeo Singh joined service in 1947 has kept silent as to the category in which he had joined service or as to the designation he was then given. In the cases of Muckhand Choudhury and Mohan Prasad, the management in its written statement has stated that they worked as Munshis prior to their designation being changed to that of Deputy Overmen. At the hearing of this dispute on 30th September, 1959, Shri J. L. Sinha, the Group Personnel Officer of the company, admitted that the colliery had the designations of Mining Sirdars upto 1950, which were then changed into those of Deputy Overmen, without affecting their emoluments and status. When pressed as to why it was necessary to change their designations when there was going to be no improvement in their status or emoluments, Shri J. Sinha was driven to state that would have given the workmen the satisfaction of a better designation. On the evidence on record and the statement made by Shri J. Sinha, I find it difficult to accept the explanation that the "better designation" was given to these workmen only for their emotional satisfaction. I am inclined to feel that they were given the higher status of "Deputy Overmen" not merely because the workmen would have the emotional satisfaction, but because they were performing higher duties than those of Mining Sirdars and Munshis. As pointed out by the Labour Appellate Tribunal in para 376 of its decision, the Deputy Overman is not a common category and that where it existed he came between an Overman and a Mining Sirdar. Appendix XVII of the Majumdar Award states with reference to Deputy Overmen, Assistant Overmen and Junior Overmen that these designations are given in some collieries to persons who hold Sirdar's certificates and do work entailing less responsibility and needing his experience than of an overman, but who have a little more responsibility than Mining Sirdars. The management has largely relied upon the duties of Overmen as prescribed by the Mines Regulations. But it must be remembered that in the Mining Regulations there is no category of Deputy Overmen and that the Deputy Overmen were included in Appendix XVII because such a designation did exist in the Coal Industry and was recognised as such, and that where it did exist, such workmen were in a slightly lower position than Overmen and a slightly higher position than Mining Sirdars.

10. Coal Mines Regulations No. 43 of 1957 prescribes duties and responsibilities of overmen. Clause (9) of that Regulation prescribes that every Overman shall at the end of his shift record in a bound paged book kept for the purpose, a general report on the performance of all his duties during the shift including anything concerning the proper working of the mine and the safety and discipline of persons employed in his district. Now, the union's case is that in the East Cross Cut Section, there was no overman who used to visit the East Cross Cut Section every day and that the duty of the overman in that Section for the safety condition in that section was performed by these three workmen. In his cross-examination, the Manager of the colliery (E.W. 1) admitted:—

"It is true that overmen visit the West Cross Section daily but not the East Cross Cut Section, which they visit as occasion arises."

It was further admitted by the witness that the Daily Report Book of Overmen (Exhibit E-2) showed that the overmen had inspected and made his daily report, regarding the East Cross Cut Section, as required by Regulation 43(9) only on three days between 9th November, 1958 to 23rd December, 1958. Though the Manager stated that the Overmen visits the East Cross Cut Section whenever so required, from his earlier admission that the shift in which there is no overman at present the responsibility for the safety is left with the respective Mining Sirdars, it does appear to me that these three workmen look after the safety of the East Cross Section in their respective shifts in the absence of the overman and are thus discharging the duties of a Deputy Overman.

11. The management has relied upon the three circular instructions issued under the signature of the Manager of the colliery dated 19th May, 1959, 11th August, 1959 and 28th September, 1959 issued to Mining Sirdars (Exhibit E-4, E-5 and E-6) to show that the union's contention that instructions to Mining Sirdars in their respective shifts were issued by these three workmen because they were

working as Deputy Overmen, was incorrect. But as pointed out by the Union these circular instructions were addressed not only to all Mining Sirdars including these 3 workmen, but also to all overmen. They do not therefore establish that instructions to Mining Sirdars were only issued by the manager. On the evidence on record, I am inclined to accept Hardeo Singh's statement that generally these three workmen used to convey instructions of the manager to other Mining Sirdars, in their shifts.

12. There was a certain discussion at the hearing regarding the Gas Testing and Ambulance certificates of these 3 workmen. The management has stated that none of these 3 workmen except Hardeo Singh had an ambulance certificate till 13th July, 1956 and that Mohan Prasad obtained his gas testing certificate only on 18th July, 1957 and he did not have any ambulance certificate till 13th July, 1956. Muckhand Choudhury got his ambulance certificate on 13th July, 1956. The company's contention is that without having both these certificates these 3 workmen could not claim to be designated Deputy Overmen. It has further pointed out that these ambulance certificates had expired after 3 years on 12th July, 1959 and had not been renewed. The Union's case was that they were applying for the renewal of their ambulance certificates. With regard to their gas testing certificates the union's case is that they had not applied for renewal of their certificates as they were challenging the provisions for renewal contained in Regulations 26 and 27 of the Coal Mines Regulations 1957. The union, on the other hand, has urged that Appendix XVII does not provide that Deputy Overmen should have Mining Sirdar's Certificate endorsed for gas testing and also an ambulance certificate. The management has urged that a Mining Sirdar Class I should possess a Sardar's certificate endorsed for gas testing and also an ambulance certificate. But in appendix XVII with regard to Mining Sirdars Class I it is provided that in a non-gassy mine a man may be promoted to Mining Sirdar Class I without a Mining Sirdar's certificate having been endorsed for gas testing, only if he is of long experience and is in charge of difficult de-pillaring work. Here it is admitted that the Sirka colliery is a non-gassy mine and there is no de-pillaring work being done there. However, considering that these are not qualifications prescribed for Deputy Overmen and considering that each of these workmen had by the date the Majumdar Award was implemented gained considerable experience as Mining Sirdar, I do not think this would come in the way of their getting the Deputy Overmen's grade. It must be remembered that for Overmen under Appendix XVII it is prescribed that he should have an endorsement for gas testing only in a gassy mine and should preferably have an ambulance certificate. This shows that in a non-gassy mine like this the endorsement for gas testing is not a necessary qualification and the holding of an ambulance certificate is only an additional preferential qualification for an overman. Considering that for Deputy Overmen no such qualification is prescribed, it is unreasonable to expect that they should be better qualified than an overman. The management's contention is also not tenable inasmuch as they considered these three workmen qualified to be appointed as Mining Sirdars with effect from 26th May, 1956, even though by that date they had not obtained the Ambulance certificate which under Appendix XVII of the Majumdar Award is a requisite qualification for Mining Sirdar Grades II and III. For these reasons I do not accept the management's contention that for being classified as Deputy Overmen under the Majumdar Award it was necessary for these workmen to hold both the Gas Testing endorsement and Ambulance Certificate.

13. In this case Hardeo Singh has given evidence and stated that himself and the two other workmen viz. M. Choudhry and Mohan Prasad, who work in the other two shifts, discharge the same duties, and the management has not been able to repudiate that they were discharging the responsibilities and duties stated by Hardeo Singh. I am satisfied on the evidence on record that by and large these three workmen were doing work entailing less responsibility and needing less experience than that of an overman and a little more responsibility than a Mining Sirdar. I accept Hardeo Singh's statement that he in his shift and M. Choudhury and Mohan Prasad in their respective shifts were discharging duties that would entitle them to be classified as Deputy Overmen.

14. I would therefore hold on the first issue under reference that the management was not justified in grading Hardeo Singh and M. Choudhury, as Mining Sirdar Class II and Mohan Prasad as Mining Sirdar Class III while implementing the Award of the All India Industrial Tribunal (Colliery Dispute) and further hold that they were entitled to be graded as Deputy Overmen.

15. Now, the next question to consider is what relief should be granted to these workmen. As I have held that the management was not justified in grading them as Mining Sirdar Class II and III, in implementing the Majumdar Award, and that

they were entitled to be granted the benefit of the scales of pay prescribed for Deputy Overmen by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal and as the Majumdar Award as so amended came into force from 26th May, 1956 and the management has also got the benefit of the increase in the selling price of coal granted as a consequence of the higher wage scales and other benefits granted by the Majumdar Award, I think it but fair that they should be granted the benefit of the scale of Rs. 65-5-95 prescribed for Deputy Overmen with retrospective effect from 26th May, 1956 with the benefit of annual increments. Of course, the directions contained in the decision of the Labour Appellate Tribunal with regard to fitting each of them in the scale of Rs. 65-5-95 with effect from 26th May, 1956 will be followed. I further direct that their dues on the above basis shall be calculated and paid by the management within a month from the date this Award becomes enforceable.

16. As the union has succeeded, I award it Rs. 100 as costs to be paid within a month from the date this award comes into operation.

(Sd.) SALIM M. MERCHANT,

Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.

DHANBAD;

The 30th October, 1959.

[No. LR II/2(61)/59.]

ORDERS

New Delhi, the 5th November 1959

S.O. 2532.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Burrakur Coal Co. Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether Shri A. C. Mukerjee, Audit Clerk, working in the Sijua Office of Messrs Burrakur Coal Co. Ltd., should be placed in clerical grade I under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Decision of the Labour Appellate Tribunal and, if so, from what date?

[No. F. LR II-2(176)/58.]

New Delhi, the 7th November 1959

S.O. 2533.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, New Delhi, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the special allowance now granted by the Punjab National Bank Ltd., to their workmen designated as Tellers is adequate having regard to the nature

of their duties and responsibilities and emoluments paid to persons discharging similar duties and responsibilities in other Banks of similar status and, if not, what amount of special allowance should be granted to them?

[No. LR11-10(22)/59.]

TEJA SINGH SAHNI, Dy. Secy.

New Delhi, the 6th November 1959

S.O. 2534.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3, clauses (xii) and (xiii), of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints (1) Shri Bindeshwari Prasad Dubey, a person nominated by the Indian National Trade Union Congress, as a member of the Coal Mines Labour Welfare Fund Advisory Committee constituted in the Notification of the Government of India in the Ministry of Labour and Employment No. S.R.O. 3266, dated the 8th October, 1957 vice Dr. (Mrs.) Maitreyee Bose resigned, and (2) Dr. Shrimati Seeta Parmanand, Member of Parliament as a member of that Committee and makes the following further amendments in the notification referred to above namely:—

In the said notification:—

- (1) for the entry "13. Dr. Mrs. Maitreyee Bose", the entry "13. Shri Bindeshwari Prashad Dubey" shall be substituted; and
- (2) the following entry shall be added at the end, namely:—
"21. Dr. (Shrimati) Seeta Parmanand, M.P.—Nominated by the Central Government".

[No. MIL3(3)/59.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 7th November 1959

S.O. 2535.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 15th November, 1959, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh, namely:—

1. The area within the limits of Warangal Municipality.
2. The area within the limits of the revenue village of Dcsaipet of Warangal taluk bounded in the North by Survey Nos. 17 and 43. East by Harijan Colony, South by Survey Nos. 303, 304 and 306, and West by Survey Nos. 91 and 93.

[No. HI-13(17)/59.]

BALWANT SINGH, Under Secy.

New Delhi, the 7th November 1959

S.O. 2536.—The following draft of amendments to the Industrial Employment (Standing Orders) Central Rules, 1946, which the Central Government proposes to make in exercise of the powers conferred by section 15, read with clause (b) of section 2, of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), is hereby published as required by sub-section (1) of that section for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st January, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft amendment.

In the said rules, in Schedule I,—

(1) after Standing Order 7 the following shall be inserted, namely:—

"7-A Notice of change in shift working—

Any notice of discontinuance or of restarting of a shift working required by Standing Order 7 shall be in the Form appended to these orders and shall be served in the following manner, namely:—

(1) Where the workmen affected are members of any registered trade union or association, the notice may be served by sending it personally or by registered post to the Secretary or the Principal Officer, of the trade union or association, and the service of notice on the Secretary or such Principal Officer shall be deemed to be service on such workmen. In addition to the service in the manner aforesaid, the employer shall, at the same time, arrange to exhibit the notice by affixing it on a notice board in the manner specified in clause (2):

If the Secretary or the Principal Officer of the trade union or association refuses to receive the notice or for any other reason the notice cannot be served in the manner aforesaid, the exhibition of the notice in accordance with clause (2) shall be deemed to be service on all such workmen.

(2) Where the workmen affected by any such notice of shift working are not members of any registered trade union or association, the notice may be affixed on a notice board at or near the entrance or entrances of the establishment concerned and it shall remain so affixed for a period of twenty-one days. The notice shall be in English, the regional language, and the language understood by the majority of the workmen in the establishment concerned. Where the notice is affixed in the manner aforesaid, it shall be deemed to have been served on all the workmen concerned.

(3) A copy of the notice shall be simultaneously forwarded to the Conciliation Officer (Central) and the Regional Labour Commissioner (Central) concerned.”;

(2) after Standing Order 18, the following Form shall be inserted, namely:—

“Form (See Standing Order 7A).

Notice of discontinuance/restarting of a shift working to be given by an employer.

Name of employer..... Address..... .

Dated the.....day of.....19 .

To

The Secretary/Principal Officer of the Union/Association.

.....

The workman/workmen affected.

In accordance with Standing Order No.....of the Standing Orders certified and approved in respect of my/our industrial establishment, I/we beg to inform you that it is my/our intention to discontinue/restart the shift working specified in the annexure to this letter, with effect from

Yours faithfully,

Signature.....

Name.....

Designation

ANNEXURE

(Here specify particulars of change in the shift working proposed to be effected.)”

[No. F. LRI. 21(4)/59.]

A. L. HANDA, Under Secy.